

Blayney Shire Council



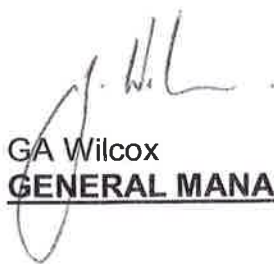
6 December 2011

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Council Chambers on Monday, 12 December 2011 at 6.00 pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Advise of use of Recording Equipment by Press & Others
- (3) Apologies for non-attendance
- (4) Confirmation of Minutes - Ordinary Council Meeting held on 14.11.11
- (5) Matters arising from Minutes
- (6) Disclosures of Interest
- (7) Notices of Motion
- (8) Reports of Staff
 - (a) General Manager
 - (b) Corporate Services
 - (c) Engineering Services
 - (d) Environmental Services
- (9) Committee Reports
- (10) General Information
- (11) Closed Meeting

Yours faithfully



GA Wilcox
GENERAL MANAGER

MEETING SCHEDULE

Day/Month	Attendees	Meeting	Time	Location
DECEMBER				
Monday 12	Councillors	LEP Review Committee	4.30 pm	BSC Chambers
Monday 12	Councillors	December Ordinary Meeting	6.00 pm	BSC Chambers
Thursday 15	Mayor/GM	NSW Health Minister	6.00 pm	Orange Regional Gallery
Wednesday 21	Mayor/GM	Niche Wall Handover	5.00 pm	Redmond Oval Millthorpe
Wednesday 21	Councillors	Christmas Dinner	6.30 pm	Newbridge
JANUARY				
FEBRUARY				
Thursday 2	GM	GMAC (Centroc)	9.30 am	Orange City
Friday 10	Mayor & GM	Mine Related Councils Exec Meeting	9.30 am	Coonabarabran
Monday 13	Councillors	February Ordinary Meeting	6.00 pm	BSC Chambers
Thursday 23	Mayor & GM	Centroc Board	9.30 am	Parkes

INDEX OF REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 12 DECEMBER 2011

NOTICES OF MOTION.....	1
01) 2012 LOCAL GOVERNMENT ELECTIONS - PROPOSED REFERENDUM - POPULARLY ELECTED MAYOR	2
02) BLAYNEY COMMUNITY CENTRE	4
GENERAL MANAGER'S REPORTS	7
03) REPORT ON CODE OF CONDUCT COMPLAINTS FOR THE PERIOD 1 JULY 2010 TO 30 JUNE 2011.....	8
04) CODE OF CONDUCT REVIEW	10
05) 2012 E DIVISION CONFERENCE - CALL FOR MOTIONS	13
06) DESTINATION 2036 - DRAFT ACTION PLAN.....	14
07) APPOINTMENT OF DIRECTOR ENVIRONMENTAL SERVICES	14
CORPORATE SERVICES REPORTS.....	81
08) REPORT OF COUNCILS INVESTMENTS AS AT 30 NOVEMBER 2011	82
09) REQUEST TO WAIVE FEES - DEAF FOOTBALL AUSTRALIA	85
10) BLAYNEY SHIRE YOUTH COUNCIL CHARTER	86
ENGINEERING SERVICES REPORTS.....	91
11) BRIDGE REPORTS: GARLAND ROAD, NAYLOR STREET AND CARCOAR ROAD	92
12) SEWERAGE TREATMENT PLANT ENERGY EFFICIENCY SAVINGS	96
13) ORANGE CYCLE AND TRATHLON CLUB RACING 2012.....	99
14) CROWN ROAD TRANSFER, TURNER STREET, BARRY.....	101
15) PURCHASE OF MACHINE GUIDANCE	103
ENVIRONMENTAL SERVICES REPORTS	109
16) PLANNING PROPOSAL REZONING 137 NEWBRIDGE ROAD METZIYA PTY LTD (SEA LINK).....	110
17) PROPOSED FLYERS CREEK WIND FARM ENVIRONMENTAL ASSESSMENT	111
18) NOVEMBER 2011 DEVELOPMENT APPROVALS	113
19) DA89/2011 - BLAYNEY SHIRE COMMUNITY CENTRE	114
COMMITTEE REPORTS	203
20) MINUTES OF THE BLAYNEY SHOWGROUND COMMITTEE - 8 NOVEMBER 2011	204
21) MINUTES OF THE BLAYNEY SHIRE TOURISM COMMITTEE - 10 NOVEMBER 2011	205
GENERAL INFORMATION ITEMS	211
CONFIDENTIAL MEETING REPORTS.....	219
22) FINALISATION OF LEGAL ACTION - STAFF MEMBER.....	219
23) CENTROC BITUMEN TENDER.....	219

NOTICES OF MOTION
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 DECEMBER 2011



01 2012 LOCAL GOVERNMENT ELECTIONS - PROPOSED
REFERENDUM - POPULARLY ELECTED MAYOR
(Cr Geoff Braddon)

RECOMMENDED:

1. That this Council takes the necessary step to enable a referendum to be held at the 2012 Local Government elections on the question of whether the public would like the opportunity to popularly elect their Mayor.

Rationale

This motion is to allow the public advice as to the election process of Mayor. If the referendum is successful the Blayney Shire ratepayers will not have an opportunity to elect a Mayor until 2016. The chances are that a good proportion of the present Councillors will not be there at that time.

I concede that many of us believe that the present system services us well, but there is a significant proportion of the community that wishes to be able to elect their own Mayor. I feel that for the sake of democracy and open local government that the will of the people should be tested. This can only be done with a referendum.

General Manager Note

The Local Government Act is specific on the role and process of the Mayor and how the Mayor is to be elected. A decision to change the election of the Mayor by a Council must first be put to a referendum (Clause 228) and takes effect at the next election of the Council. Division 2 of the Act identifies the role of the Mayor and electoral procedure.

Division 2 The Mayor

225 The mayor

An area must have a mayor who is elected in accordance with this Division.

226 What is the role of the mayor?

The role of the mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- to exercise such other functions of the council as the council determines
- to preside at meetings of the council
- to carry out the civic and ceremonial functions of the mayoral office.

227 Who elects the mayor?

The mayor of an area is the person elected to the office of mayor by:

- (a) the councillors from among their number, unless there is a decision in force under this Division which provides for the election of the mayor by the electors, or
- (b) the electors, if such a decision is in force.

Note. As to the election of the mayor, see also section 282.

228 How is it decided that the mayor be elected by the electors?

This is Page No. 2 of the Business Paper of the Ordinary Council Meeting of Blayney Shire Council held on 12 December 2011

- (1) It may be decided at a constitutional referendum that the mayor be elected by the electors.
- (2) A decision that the mayor be elected by the electors takes effect in relation to the next ordinary election after the decision is made.

229 Can the decision be changed?

- (1) A decision that the mayor be elected by the electors is rescinded only if a constitutional referendum decides in favour of discontinuing that means of election.
- (2) The rescission takes effect in relation to the next ordinary election after the rescission occurs.

230 For what period is the mayor elected?

- (1) A mayor elected by the councillors holds the office of mayor for 1 year, subject to this Act.
- (2) A mayor elected by the electors holds the office of mayor for 4 years, subject to this Act.
- (3) The office of mayor:
 - (a) commences on the day the person elected to the office is declared to be so elected, and
 - (b) becomes vacant when the person's successor is declared to be elected to the office, or on the occurrence of a casual vacancy in the office.
- (4) A person elected to fill a casual vacancy in the office of mayor holds the office for the balance of the predecessor's term.

Attachments

1 Notice of Motion 1 Page

02

BLAYNEY COMMUNITY CENTRE
(Cr Geoff Braddon)

RECOMMENDED:

1. That the \$75 special rate not be extended beyond the period required to repay borrowing for construction of the Blayney Shire Community Centre.
2. That there is no increase in the special rate of \$75 for the life of that rate.
3. That the new Blayney Community Centre be fully self funding with no cross subsidisation from rates or other revenue.
4. That there be no reduction in services to the Blayney Shire Community to fund the ongoing operation maintenance or depreciation of the Blayney Shire Community Centre.

Attachments

1 Notice of Motion 1 Page

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05/04/2008 15:50 63602353

ALLAN EWIN
SCOTT FERGUSON

PAGE 01/01

29/11/2011 14:47 63602353

GEOFF BRADDON

PAGE 01/01

24/11/2011 THU 9:43 FAX *** or Braddon

PAGE 02/02
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Notices of Motion December 2011

2012 Local Government Elections - Proposed Referendum - Popularly Elected Mayor

Councillor Braddon has put forward the following Notice of Motion regarding the conduct of a referendum for the popular election of Mayor at the 2012 Local Government elections:

"That this Council takes the necessary steps to enable a referendum to be held at the 2012 Local Government elections on the question of whether the public would like the opportunity to popularly elect their Mayor".

Rationale

This motion is to allow the public to provide advice as to the election process of Mayor. If the referendum is successful the Blayney Shire ratepayers will not have an opportunity to elect a mayor until 2016. The chances are that a good proportion of the present Councillors will not be there at that time.

I concede that many of us believe that the present system services us well, but there is a significant proportion of the community that wishes to be able to elect their own mayor. I feel that for the sake of democracy and open local government that the will of the people should be tested. This can only be done with a referendum.

Geoff Braddon

G. Braddon O.A.M., J.P. Date 25-11-2011

Allan Ewin

A. Ewin Date 27/11/11

Scott Ferguson

S. Ferguson Date 27/11/11

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GEOFF BRADDON

PAGE 01/01

To G.M.

FROM - GEOFF BRADDON

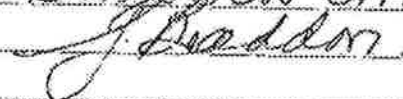
NOTICES OF MOTION DECEMBER 2011

BLAYNEY SHIRE COMMUNITY CENTRE

1. THAT THE \$75 special rate NOT BE EXTENDED BEYOND THE PERIOD REQUIRED TO REPAY BORROWING FOR CONSTRUCTION OF THE BLAYNEY SHIRE COMMUNITY CENTRE.
2. THAT THERE IS NO INCREASE IN THE SPECIAL RATE OF \$75 FOR THE LIFE OF THAT RATE.
3. THAT THE NEW BLAYNEY COMMUNITY CENTRE BE FULLY SELF FUNDING WITH NO CROSS SUBSIDISATION FROM RATES OR OTHER REVENUE.
4. THAT THERE BE NO REDUCTION IN SERVICES TO THE BLAYNEY SHIRE COMMUNITY TO FUND THE ON GOING OPERATION MAINTNANCE OR DEPRECIATION OF THE BLAYNEY SHIRE COMMUNITY CENTRE.

COUNCILLOR GEOFF

BRADDON O.A.M.J.P.



GENERAL MANAGER'S REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 DECEMBER 2011



03) REPORT ON CODE OF CONDUCT COMPLAINTS FOR THE PERIOD 1 JULY 2010 TO 30 JUNE 2011
(General Manager)

RECOMMENDED:

1. That the report on Code of Conduct complaints for the period 1 July 2010 to 30 June 2011 be received and noted.

REPORT

Clause 12.33 of Council's adopted Code of Conduct requires the General Manager to report annually to Council on Code of Conduct complaints. As a minimum, the report should provide a summary of:

1. the number of complaints received;
2. the nature of the issues raised by the complainants, and
3. the outcomes of the complaints.

With regards to this requirement, the following information is provided for Council's information.

Number of complaints received: 1

Nature of the issues raised by the complainant:

- Key Principles
- General Conduct
- Conflict of interest
- Improper and Undue Influence.

Outcomes of Complaint: Complaints when they are assessed by the General Manager or Mayor, have regard to the following grounds in accordance with Clause 13.1 of the Code of Conduct.

13.1 The general manager or Mayor, in the case of a complaint about the general manager, will assess a complaint alleging a breach of the code of conduct to determine in the matter should be referred to the conduct review committee/reviewer. In assessing the complaint, the general manager and Mayor will have regard to the following grounds:

- a) whether there is any prima facie evidence of a breach of the code of conduct*
- b) whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of civic office or duties as general manager*
- c) whether the complaint is trivial, frivolous, vexatious or not made in good faith*
- d) whether the conduct the subject of the complaint could reasonably constitute a breach of the code of conduct*
- e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the*

- Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police*
- f) whether there is an alternative and satisfactory means of redress*
 - g) how much time has elapsed since the events the subject of the complaint took place*
 - h) how serious the complaint is and the significance it has for council*
 - i) whether the complaint is one of a series indicating a pattern of conduct.*

In relation to the complaint received, due to the potential for a perceived conflict of pecuniary interest the complaint was referred to the Conduct Review Committee to complete an initial assessment.

In accordance with the criteria as established by Clause 13.1, the complaint was found to fall within the domain of 13.1(c).

BUDGET IMPLICATIONS

The costs of dealing with the complaint was \$2,300.00

POLICY IMPLICATIONS

Nil effect.

Attachments

Nil

04) CODE OF CONDUCT REVIEW
(General Manager)

RECOMMENDED:

1. That this report be received and noted.
2. That Council consider making a submission on the Code of Conduct Review.

REPORT

The Code of Conduct Review seminar was hosted by John Davies and Lynn Brown - Division of Local Government. The following issues were discussed.

Changes to Standards

- Political Donations - includes all donations for Local Government elections, state or federal election, Councillors to receipt all indirect donations.
- Loss of Quorum – new mechanism under S458, able to seek exemption for non pecuniary interests from General Manger to the code.
- Prohibition on Binding Caucus Votes – code to prohibit binding caucus (political, self interest etc). It was agreed that it would be difficult to prove unless reported.
- Use of Council Property for Re-election Purposes – expand to apply to all Council property for any persons re-election.
- Lobbying – precautionary provisions to assist Councillors as to people's motivation behind talking to Councillors.
- Relationship between Council Officials – staff and unions not to be approached on industrial issues and negotiations. General Manager's responsibility to negotiate industrial issues with staff and unions. Changes to Councillors meeting developers and others without staff or witnesses present.
- Gifts and Benefits – expand definitions to include other forms of cash, Councillors and staff to disclose all offers of gifts regardless of value. Rules limit gifts that don't influence person or result e.g. box of chocolates, cup of coffee, pens from conference. Issue raised as to influence on person or outcome. Applies staff and Councillors. (Further review by Division being undertaken and exclusions being considered).
- Application to Contractors and Volunteers – more guidance to be provided and may include clauses in contract to comply with code and volunteers at their appointment to roles of Council.

Proposed Changes to Administrative Framework
Regional Approach

- Regional groups of Councils based on ROCs. Referral of Code of Conduct matters to General Managers. General Managers of another Council may not work as Council General Managers may not fully support role or be placed under pressure making decisions – General Managers should not be part of the assessment role.

- Independent reviewers required for preliminary assessment. General Managers to have option to have discussion with people to resolve issues initially before referred on to assessors.
- Complaints could be forwarded to a skilled independent contractor employed by Council, the state government or both.
- General Manager's referral role will remain for pecuniary interest (Division), corruption (ICAC).
- Selection Process for Panel of Conduct Reviewers
 - prescribed requirements for qualified conduct reviewers.
 - conduct reviewers will not work in panels (single v assessor) to reduce costs to Councils.
- Eligibility Requirement
 - complaints coordinator shall be a staff member, therefore complaints will be received by the General Manager or Mayor and then referred to reviewer. Reviewer makes decision.
- The Division is not looking at set fees for reviews.
Note: Councillor complaints against staff to go to General Manager.
Contractor complaints may go to Council or General Manager.

Separation of Procedural Requirements

Two separate documents to be developed being:

- (i) a model code for Councillors, staff and public.
- (ii) full procedural document.

The procedure may include:

- Investigation – refer to external bodies or resolve in Councils.
- Consideration of Reports by Council – Councils must make a decision as to breach or no breach and then report option to Division. Council can reject view of assessor.
NOTE: Preferred position of meeting in Dubbo – assessor makes a determination and a recommendation is provided to Council which must be adopted.

Reports to Council

- The person subject to complaint can make a submission to Council and then leave room.
- The complainant must also leave the room if a Councillor.
- Complainee may be permitted to stay in room to listen to debate but not be present for voting.
- Councillor complainants names to be disclosed publically at time of lodgement.
- Reports will have prescribed requirements as to information returned to Council.

Review of Decision

- Right of Review by Division of Local Government can be requested.
- DLG to make practice ruling and practice directions.

- Misuse of Code – new provision being applied for vexatious complaints, use of third parties for nuisance complaints, failure to comply with penalties, failure to give evidence.
- Rights of Review is limited to twenty eight (28) days to DLG.
- Disciplinary Actions by DLG – being reviewed as to range of penalties and actions. Penalties may include apologies, education, suspension up to three (3) months and disqualify people from being a Councillor or Mayor for up to five (5) years.
- Release results twenty eight (28) days after determination to prevent defamation subject to review.

Generally

- Council can make a submission on the draft by the end December 2011.
- Review of Code final draft in 2012 for review prior to final adoption.

BUDGET IMPLICATIONS

Code of Conduct matters and the assessment process will be at full cost to Council. Council may wish to allocate a budget for Code of Conduct matters in its 10 year financial plans.

POLICY IMPLICATIONS

Council will be required to adopt the revised Code of Conduct, when released.

Attachments

Nil

05) 2012 E DIVISION CONFERENCE - CALL FOR MOTIONS
(General Manager)

RECOMMENDED:

1. That Councillors provide draft motions, for consideration at the 2012 E Division Conference, as outlined in the attached report.

REPORT

Council has received notification that the 2012 E Division Conference has been scheduled Friday 17 February 2012 and will be held at Forbes. The E-Division conference is the avenue for Council to pursue should Council have any specific motions for debate at the 2012 Shires Conference.

In previous years the E-Division conference has been held after Council's first meeting of the year, thereby allowing Council to adopt the motions before they are submitted to the conference for consideration. Motions for the 2012 E Division Conference are to be submitted to Forbes Shire Council (Divisional Secretary) by Thursday 9 February 2012. In order to achieve this short time frame, I propose to take the following action.

1. By 9.00 am on Friday 20 January - Councillors are to submit their proposed motions for the E Division conference, in writing, to the General Manager.
2. By 5.00 pm on Monday 23 January - A fax/email will be issued to all Councillors detailing each motion received, and calling Councillors to indicate their support or opposition to each motion.
3. By 5.00 pm on Wednesday 1 February - Councillors to provide their support or opposition for each motion, in writing, to the General Manager. NOTE: Only those motions which receive the majority of support of all Councillors will be submitted to the E-Division Secretariat.

In proposing a motion, Councillors are asked to keep their motion(s) clear and concise. Additional information as a commentary to each motion may also be submitted.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

Attachments

Nil

06) DESTINATION 2036 - DRAFT ACTION PLAN
(General Manager)

RECOMMENDED:

1. That Councillors provide feedback to the General Manager by Friday 20 January 2012 to facilitate a Blayney Shire Council response to the Destination 2036 - Draft Action Plan.

REPORT

As previously reported to Councillors, a workshop was held in Dubbo on 17 and 18 August with the leaders from NSW local government to begin the process of creating a strong and viable local government sector.

Over 350 representatives from every council in the State worked cooperatively and constructively over the two days to lay down a shared vision for the sector and develop a set of clear actions to achieve that vision.

Representatives at the Destination 2036 Workshop recognised the need to reshape the structure, governance and financing arrangements, functions and capacity of the sector to better enable councils to serve their communities in a challenging and rapidly changing environment.

An Implementation Steering Committee (ISC), consisting of the Chief Executive of the Division of Local Government (Chair) the Presidents of the Local Government and Shires Associations and the President of the LGMA has been established to build on the work of the Destination 2036 workshop.

The ISC met in September to consider the workshop outcomes. The ISC refined the list of actions into a draft action plan. This plan has now become available for comment. Feedback will be considered and incorporated into the final action plan by the end of the year so that implementation by the two tiers of government can commence in 2012.

Accordingly, a copy of this draft action plan is attached to this report. Councillors are requested to consider the plan and provide feedback to the General Manager's Office no later than Friday 20 January 2012 so that a response on behalf of Blayney Shire Council can be prepared for the February meeting for approval to be forwarded to the Department by the deadline of 15 February 2012.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

Attachments

- 1 Destination 2036 - Draft Action Plan 64 Pages

07) **APPOINTMENT OF DIRECTOR ENVIRONMENTAL SERVICES**
(General Manager)

RECOMMENDED:

1. That Council note the confirmation of the appointment of Mr Leon Rodwell to the position of Director Environmental Services.

REPORT

Following an interview process conducted at Council in early December 2011, I am pleased to announce that Mr Leon Rodwell has accepted the offer of the position of Director Environmental Services.

Mr Rodwell comes to Blayney having held in recent times a number of appointments through LOGO appointments at several councils across NSW. These positions have included Acting Building Manager Warrumbungle Shire Council; Acting Director of Planning, Environment and Strategic Services Young Shire Council; and Environmental Health Officer Shoalhaven City Council.

Mr Rodwell has accepted the permanent position of Director Environmental Services and will commence duties with Council on 16 January 2012.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

Attachments

Nil



Draft Action Plan

December 2011

Contents

FOREWORD.....	4
1. INTRODUCTION.....	5
2. HOW HAS THIS DRAFT ACTION PLAN BEEN DEVELOPED?.....	6
STAGE 1: REFINING THE DRAFT VISION FOR LOCAL GOVERNMENT.....	7
STAGE 2: REFINING THE DIRECTIONS AND STRATEGIC INITIATIVES.....	8
STAGE 3: GROUPING SUGGESTED ACTIONS INTO INITIATIVES.....	9
STAGE 4: INCORPORATING FEEDBACK ON THE <i>DESTINATION 2036</i> OUTCOMES REPORT.....	11
3. HOW IS THE DRAFT ACTION PLAN STRUCTURED?.....	12
4. HOW WILL THE ACTION PLAN BE PROGRESSED?.....	13
FINALISING THE DRAFT ACTION PLAN.....	13
COORDINATING AND PROGRESSING INITIATIVES.....	13
Who is responsible for oversight of the Action Plan?.....	13
Who is responsible for progressing the Initiatives?.....	13
How will key representative bodies be involved?.....	13
Development of Project Plans.....	14
Commissioning independent experts.....	14
ESTABLISHING LINKAGES.....	14
Linking initiatives that relate to models.....	14
Linking <i>Destination 2036</i> with the proposed review of the Local Government Act 199.....	14
Linking <i>Destination 2036</i> with the State Plan.....	14
REPORTING PROGRESS AND OUTCOMES ON THE ACTION PLAN.....	14
5. HOW CAN YOU HAVE YOUR SAY?.....	15
MAKING A WRITTEN SUBMISSION.....	15
SUBMISSION TEMPLATE.....	15
MEETING WITH THE <i>DESTINATION 2036</i> PROJECT TEAM.....	15
WHAT ISSUES SHOULD YOU ADDRESS IN YOUR SUBMISSION?.....	15
WHAT IS THE DEADLINE FOR MAKING COMMENTS?.....	15
SUBMISSIONS TO BE MADE PUBLICLY AVAILABLE.....	15

Contents

6. THE DRAFT ACTION PLAN.....	16
Strategic Direction: Efficient and Effective Service Delivery.....	17
1 Facilitate greater resource sharing and cooperation between councils.....	18
2 Establish Local Government as an employer of choice.....	20
3 Encourage and facilitate innovation.....	22
4 Enable a range of operating frameworks to be utilised to achieve efficient service delivery.....	23
 Strategic Direction: Quality Governance.....	24
5 Incorporate into the proposed <i>Local Government Act</i> review the recommendations and findings from relevant <i>Destination 2036</i> actions.....	25
6 Ensure the legislation provides flexibility and reduces red tape.....	26
7 Ensure strong and effective local governance.....	28
 Strategic Direction: Financial Sustainability.....	29
8 Review the revenue system to ensure greater flexibility and self reliance.....	30
9 Develop strategies that maximise opportunities to secure funding from other levels of government.....	32
10 Establish a range of funding models to enable the long term maintenance, replacement and creation of different classes of assets.....	34
 Strategic Direction: Appropriate Structures.....	36
11 Develop a number of different structural models for local government.....	37
12 Encourage and facilitate voluntary amalgamations and boundary alterations.....	38
 Strategic Direction: Strong Relationships.....	39
13 More clearly define the functions, roles and responsibilities of Local and State Government.....	40
14 Align State and Local Government planning frameworks.....	42
15 Negotiate a new Inter-Governmental Agreement (IGA).....	44
16 Recognise Local Government as a legitimate and important sphere of government.....	46

APPENDIX A: SUMMARY OF ACTION PLAN

APPENDIX B: SUGGESTED ACTIONS FROM *DESTINATION 2036* OUTCOMES REPORT –
LINKAGE TO DRAFT ACTION PLAN INITIATIVES

Foreword

Local Government in NSW has come a long way over the last 150 years.

As our communities have changed and progressed, so have the institutions that support and serve them, including local government.

In many ways, local government is the fabric that binds people together as a community. It is therefore incumbent upon us, as a sector, to ensure that we can continue to support and serve our communities with strength, resilience and flexibility.

On the 17th and 18th August 2011, NSW civic leaders were afforded the rare opportunity to pause from the day-to-day activities of council life and to come together to consider the future of our communities and to start to develop a plan for how we can best serve them over the next 25 years.

The *Destination 2036* project is both ambitious and exciting. As members of the Implementation Steering Committee, we have worked hard to capture and build upon the energy, vision and goodwill that was displayed at Dubbo. We believe we have prepared a draft plan that will serve as a blueprint for the changes we all know must occur.

The draft *Destination 2036 Action Plan* is now being circulated for your consideration.

The Implementation Steering Committee looks forward to receiving your comments.



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier
and Cabinet



Cr Ray Donald
President
Shires Association of NSW



Cr Keith Rhoades AFSM
President
Local Government Association of NSW



Mr Mark Ferguson
President
Local Government Managers Australia (NSW)

1. Introduction

Over the next 25 years, our local communities will undergo considerable transformation. Demographic, economic, technological and environmental change will present significant challenges and opportunities for both our communities and the councils that serve them.

On the 17th and 18th August 2011, the NSW Government, in partnership with the Local Government and Shires Associations of NSW (LGSA) and Local Government Managers Australia (NSW)(LGMA (NSW)), hosted an historic event in Dubbo - *Destination 2036* - to consider these issues, and to develop a clear, achievable and shared path to a strong and resilient local government sector, responsive to the current and future needs of our communities.

The *Destination 2036* workshop was the first of its kind for NSW. Every one of the State's 152 general purpose councils was represented, both at the elected and executive levels. Most of the State's County Councils and all of the Regional Organisations of Councils were represented and participated in their own right.

The results from the event have been reported back to the sector, and to stakeholders, through the *Destination 2036 Outcomes Report*, which was prepared by the workshop facilitators,

Elton Consulting. That report provided a comprehensive record of what transpired over the two days, including the processes and techniques used at the workshop to identify issues for further discussion and consultation.

The Outcomes Report presented a draft Vision for NSW Local Government, which was developed and endorsed by participants at the event, together with possible medium term 'Directions' to achieve that Vision. It also included a large number of shorter term priority actions that were suggested by participants, based primarily around local government functions, structure, governance, finance and capacity.

Immediately following the *Destination 2036* workshop, the Minister for Local Government, the Hon Don Page MP, announced the formation of an Implementation Steering Committee (ISC) to build on the work of the *Destination 2036* workshop and to refine the list of suggested actions into a draft Action Plan for stakeholder consultation.

The ISC comprises of the Presidents of the Local Government Association of NSW and NSW, the Shires Association of NSW and Local Government Managers Australia (NSW) and the Chief Executive of the Division of Local Government, Department of Premier and Cabinet (DLG) as chair.

Secretariat support is provided by the DLG. This document reflects the Committee's response to the Minister's request.

It is important to appreciate that in the most part, this draft Action Plan does not seek to answer or implement the actions that were suggested at Dubbo. Rather, it provides a pathway and a process for their more detailed consideration.

It represents the opening dialogue in a conversation that the sector, its stakeholders and our communities will be having throughout 2012 and beyond.

Many of the suggested actions will require extensive research and consultation before a preferred position can be determined. They may also require the engagement of independent experts. For some suggested actions, their implementation would require legislative change, which in itself would necessitate further consultation and consideration. Conversely, there are other suggested actions that have already commenced outside of the *Destination 2036* umbrella, such as the review of the *Environmental Planning and Assessment Act 1979*. There are other actions, such as the review of the Model Code of Conduct, which can and are being progressed even while the Action Plan is being finalised.

It is important that the *Destination 2036* initiative and council strategic planning maintains currency by considering and responding to broader external factors such as climate change, the ageing population, and changes in technology.

The next steps in the *Destination 2036* process will be exciting. There is a lot of work to be done, and some hard decisions to be made. The end result will be stronger councils providing better services to their communities more efficiently. There is enthusiasm across the sector to tackle the big issues head on. This draft Action Plan is the second step in the journey that began in Dubbo in August 2011.

We all want a strong and robust Local Government sector, for the communities that we serve, for the ratepayers that fund our operations and for the vast number of employees that work in our councils – not just for today, but for the long term.

Destination 2036 provides a clear pathway to achieve that aim. But it will require the entire sector, together with the State and Commonwealth Governments, to work constructively and in partnership to achieve the required reforms.

The purpose of this document is to provide information about the development of, and to seek feedback on, the draft Action Plan.

2. How has this draft Action Plan been developed?

Since the *Destination 2036* workshop, the ISC has met frequently to fulfil its brief. It appointed a small group of officers, with representation from the DLG, LGSA, LGMA (NSW) and the Australian Centre of Excellence for Local Government (ACELG), to prepare initial drafts for ISC consideration.

The draft Action Plan was prepared in four stages:

Stage 1:

Refining the draft Vision for Local Government

Stage 2:

Refining the Directions identified at the Dubbo workshop and the Strategic Initiatives contained in the Communiqué to determine the medium term Strategic Directions (i.e. the roadmap)

Stage 3:

Grouping the suggested actions into logical and achievable Initiatives, with Key Activities, under the relevant Strategic Directions

Stage 4:

Incorporating feedback from the *Destination 2036 Outcomes Report* consultations

Stage 1

STAGE 1: REFINING THE DRAFT VISION FOR LOCAL GOVERNMENT

During the first interactive session of the Dubbo workshop, participants considered a number of suggested elements of a Vision for the NSW Local Government sector. On the second day, a small group of volunteer participants worked together to develop a proposed draft based on the key agreed elements. That draft was then presented to the workshop for broader consideration. As noted in the *Destination 2036 Outcomes Report*, participants overwhelmingly supported the draft Vision "...as a basis for further consultation and development"¹.

As noted below (Stage 4), of those councils that commented on the draft Vision in their submission to the *Destination 2036 Outcomes Report*, the vast majority supported its adoption.

The ISC has, however, made one minor amendment to the draft based on feedback, by including "economies" in the second last point.

THE VISION FOR NSW LOCAL GOVERNMENT

STRONG COMMUNITIES THROUGH PARTNERSHIPS

By 2036, all NSW communities will be healthy and prosperous – led and served by strong, effective and democratically elected Local Government.

Through leadership, local knowledge and partnerships with community, government and other sectors, we will plan our futures and deliver quality services and infrastructure. We will be recognised, respected and responsible for.

- ▶ Upholding the highest ethical standards
- ▶ Sound financial management
- ▶ Sensitive environmental stewardship
- ▶ Meaningful community engagement, advocacy and leadership
- ▶ Our adaptability, innovation and learning
- ▶ Developing the full potential of our people
- ▶ Responding to our diverse cultures, environments and economies
- ▶ Creating places that people value

¹ A total of 270 participants responded to this question, with 246 (91%) supporting the draft.

Stage 2

REFINING THE DIRECTIONS AND STRATEGIC INITIATIVES

Toward the end of the first day of the Dubbo workshop, the facilitators crafted a number of draft 'Directions', which they believed captured the broad sentiment in the room. Those draft Directions represented a summary of the key issues that participants believed needed to be addressed in the medium to longer term in order to make Local Government stronger and more sustainable.

The Communiqué that was issued at the conclusion of the event listed a number of 'Strategic Initiatives' that needed to be achieved in order to make Local Government strong and sustainable. While there was significant overlap between the Directions developed by the facilitators and the Strategic Initiatives listed in the Communiqué, the ISC has combined and refined them into the following five Strategic Directions. In doing so, the ISC is mindful that the Strategic Directions are inter-related and all are of equal importance and priority.

STRATEGIC DIRECTIONS FOR NSW LOCAL GOVERNMENT

EFFICIENT AND EFFECTIVE SERVICE DELIVERY

Establish frameworks that facilitate and encourage effective, responsive and innovative service delivery.

QUALITY GOVERNANCE

Enhance the governance framework to ensure community confidence in councils and to further enable Local Government to meet community needs and challenges.

FINANCIAL SUSTAINABILITY

Ensure the financial sustainability of councils.

APPROPRIATE STRUCTURES

Develop a variety of Local Government structural models to suit different environmental contexts.

STRONG RELATIONSHIPS

Improve the relationship between the State and Local Government by working as partners, with a clear understanding of respective roles and responsibilities and for the benefit of our communities.

GROUPING SUGGESTED ACTIONS INTO INITIATIVES

Over 70 actions were suggested at the Dubbo workshop. Some of these suggested actions were quite broad while others were very specific. In addition, there was some overlap between certain actions. The ISC therefore considered each of the suggested actions and their context, and then 'grouped' them where appropriate. As a result, all of the suggested actions have been incorporated into one or more of the 16 Initiatives listed on the next page.

Within these Initiatives, the draft Plan identifies one or more Key Activities to be undertaken.

APPENDIX A

Appendix A provides a summary of the Action Plan, listing all of the Initiatives and Key Activities for each Direction.

APPENDIX B

Provides a cross reference between all the suggested actions presented in the *Destination 2036 Outcomes Report* and the Initiative(s) they have been incorporated into.

STRONG COMMUNITIES THROUGH PARTNERSHIPS

Local Government Cooperation

Facilitate greater resource sharing and cooperation between councils.

Establish Local Government as an employer of choice.

Encourage and facilitate innovation.

Enable a range of operating frameworks to be utilised to achieve efficient service delivery.

Local Government Governance

Incorporate into the proposed Local Government Act review the recommendations and findings from relevant *Destination 2036* actions.

Ensure the legislation provides flexibility and reduces red tape.

Ensure strong and effective local governance.

Financial Sustainability

Review the revenue system to ensure greater flexibility and self reliance.

Develop strategies that maximise opportunities to secure funding from other levels of government.

Establish a range of funding models to enable the long term maintenance, replacement and creation of different classes of assets.

Structural Sustainability

Develop a number of different structural models for local government.

Encourage and facilitate voluntary amalgamations and boundary alterations

Service Performance

More clearly define the functions, roles and responsibilities of Local and State Government.

Align State and Local Government planning frameworks.

Negotiate a new Inter-Governmental Agreement (IGA).

Recognise Local Government as a legitimate and important sphere of government.

Stage 4

STAGE 4: INCORPORATING FEEDBACK ON THE DESTINATION 2036 OUTCOMES REPORT

The *Destination 2036 Outcomes Report* was released on 21 September 2011. Councils and other stakeholders were invited to consider the Report and to provide comments, by 4 November 2011, on the following:

1. Do you support the draft Vision contained in the Outcomes Report?
2. If not what changes would you suggest?
3. What do you believe should be the priorities for the draft Action Plan?

The ISC received 73 submissions from 69 interested stakeholders. DLG prepared a report for the ISC on the submissions received. A copy of that report will be made available on the *Destination 2036* webpage.

Overall, most stakeholders are very positive about the *Destination 2036* process. Of those that attended the event in Dubbo, the vast majority believed that the Outcomes Report represented an accurate reflection of what transpired over the two days.

Fifty-two submissions commented on the draft Vision, with 75% of those supporting it without change. Twelve submissions supported the draft with amendments, while one stakeholder did not support the draft Vision.

In terms of prioritisation of actions, 30% of submissions did not identify priorities, but many of these expressed support for all of the suggested actions to be included in the draft Action Plan.

The most commonly identified priority from submissions is a comprehensive review of the *Local Government Act 1993*. The focus of comments in this regard is that the Act review should take into account that "one size does not fit all", allowing flexibility in structure and service delivery and enabling the implementation of new funding models.

The suggested actions regarding finance and revenue-raising elicited some conflicting views. Of the submissions received from industry groups, 80% expressed strong objection to the suggested action 4a (Review options to increase sustainability), particularly around the deregulation of fees and charges, and moving to rates valuations based on the improved value of land. Conversely, this suggested action received strong support in submissions from councils.

Similarly, the submissions from industry groups supported the forced amalgamation of councils, while submissions from employee representatives and councils clearly expressed the view that they did not want to see forced amalgamations.

Another clear message from the submissions was that appropriate consultation needed to be undertaken with all stakeholders including industry groups, employee representatives and the community in progressing the Action Plan, and that the consultation period for the draft Action Plan needed to be extended until at least February 2012.

Wherever possible, the views expressed in submissions have been considered both in the draft Action Plan and in developing the process for its progression. As indicated below, the period for consultation on the draft Action Plan has been extended in recognition of the concerns expressed by stakeholders.

".....the Outcomes Report represented an accurate reflection of what transpired over the two days"

3. How is the draft Action Plan structured?

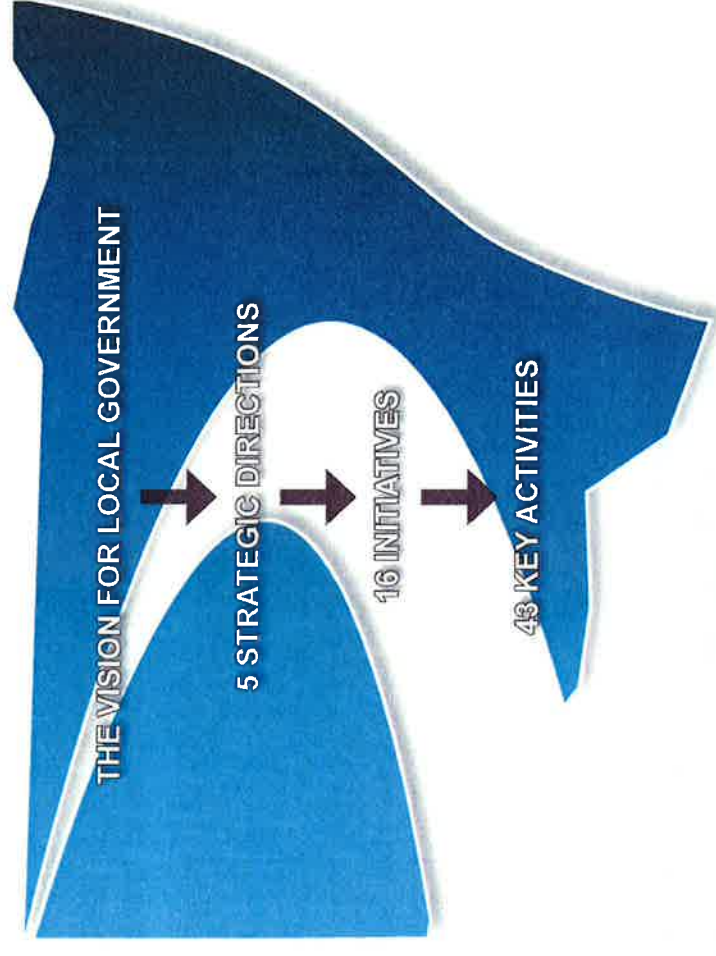
The draft Action Plan, which commences on page 16, is grouped under the five Strategic Directions with each of the 16 Initiatives considered in turn.

For each Initiative, the following information is provided:

- **WHY IS THE INITIATIVE IMPORTANT?**
- **WHAT IS THE CURRENT SITUATION?**
- **WHAT ACTIONS NEED TO BE UNDERTAKEN?**
- **LINKAGES WITH OTHER INITIATIVES**
- **PRIORITY AND TIMING**
- **WHO IS RESPONSIBLE FOR THE INITIATIVE?**

The Key Activities for the Initiative are then summarised in tabular form.

OVERVIEW OF THE DRAFT ACTION PLAN STRUCTURE



4. How will the Action Plan be progressed?

FINALISING THE DRAFT ACTION PLAN

This draft Plan will be open for consultation until **15 February 2012**, although stakeholders are encouraged to provide their comments sooner if possible.

The ISC will then consider all feedback and amend the Plan appropriately. If, as a result of that consultation process, the ISC proposes to make substantial changes to the Plan, details of those proposed changes will be made available for further stakeholder consultation for a period of two weeks.

The final Action Plan will then be presented to the Minister for Local Government, at which time work on the actions can commence in earnest.

COORDINATING AND PROGRESSING INITIATIVES

Many of the draft Action Plan's Initiatives and Key Activities are inter-related and inter-dependent. It is therefore essential that effective oversight, coordination and reporting arrangements are put in place.

WHO IS RESPONSIBLE FOR OVERSIGHT OF THE ACTION PLAN?

The ISC will continue to operate as the oversight body for the *Destination 2036 Action Plan*. The ISC will have a key role in establishing the coordination of Initiatives and monitoring and ensuring progress on the Action Plan. It will also provide advice and make recommendations to the Minister as required.

WHO IS RESPONSIBLE FOR PROGRESSING THE INITIATIVES?

Each Initiative identifies a "Coordinating Agency". That Coordinating Agency will be responsible for ensuring that the tasks set out under the Initiative are undertaken and completed within the timeframes set out in the Action Plan.

As part of the consultation on this draft Action Plan, Coordinating Agencies will be required to 'specify' the indicative timeframes and more clearly define the scope of the Key Activities, if necessary.

HOW WILL KEY REPRESENTATIVE BODIES BE INVOLVED?

Coordinating Agencies will be responsible for ensuring that there is appropriate stakeholder input and/or representation and will establish appropriate structures to assist with the planning, management and implementation of Initiatives.

This may include, for example, the establishment of a working party to conduct or oversee the work performed under the Initiative.

This is particularly important, for example, where an Initiative has the potential to impact on council employees. Under this scenario, employees would be represented by their relevant union on any working group or similar structure that may be set up to progress an Initiative. Similarly, where an Initiative could impact on the business community, it is important that their interests are represented. In addition, there are instances where Initiatives impact on other State Government Agencies, in addition to the DLG, and it is essential that those Agencies are actively engaged. It will also be appropriate for individual councils to be represented, particularly when alternative structural models are being considered.

4. How will the Action Plan be progressed?

DEVELOPMENT OF PROJECT PLANS

In most instances, before commencing an Initiative the Coordinating Agency will be required to develop a project plan, for consideration by the ISC. If the Initiative is to be progressed by a working group, the Coordinating Agency should consult with the working group when preparing the project plan. The project plans are to include:

- The objective of the Initiative
- How the Initiative will be achieved
- How linkages with related Initiatives will be maintained
- Engagement with key stakeholders
- Resource requirements
- Timeframes and milestones

COMMISSIONING INDEPENDENT EXPERTS

For some Initiatives it will be necessary to commission independent experts to undertake specific and specialised tasks. Where such requirements are identified, the DLG will need to consider and determine the resourcing of such engagements.

ESTABLISHING LINKAGES

LINKING INITIATIVES THAT RELATE TO MODELS

Because of the significant overlap and overarching importance to the *Destination 2036* pathway of Initiative 7 (Governance Models), Initiative 8 (Revenue System), Initiative 11 (Structural Models) and Initiative 13 (Functions), it is essential that these Initiatives be closely linked and coordinated and that the work is undertaken in an appropriate sequence. The ISC will be responsible for ensuring these linkages and coordinating the work.

LINKING *DESTINATION 2036* WITH THE PROPOSED REVIEW OF THE LOCAL GOVERNMENT ACT 1993

A number of Initiatives may have significant legislative implications. It is therefore essential that they also align with the proposed review of the *Local Government Act 1993* (see Initiative 5 – Act Review). The proposed timeframes in the draft Plan for these initiatives have been developed to ensure that they feed into the proposed review of the Act at an appropriate juncture.

LINKING *DESTINATION 2036* WITH THE STATE PLAN

The NSW Government has released a new State Plan – NSW 2021, which, for the first time gives explicit recognition of Local Government as an important element of and contributor to the delivery of the State Plan. A number of Initiatives are directly linked to the State Plan and those linkages have been highlighted throughout the draft Action Plan.

REPORTING PROGRESS AND OUTCOMES ON THE ACTION PLAN

Coordinating Agencies will be required to submit to the ISC a schedule listing the Initiatives they are responsible for, together with their project plans, or a status report on their project plans if they have not been completed.

The ISC will then use this information to develop a monitoring and reporting program. It is envisaged that the ISC will issue status reports, through the DLG's *Destination 2036* webpage (www.dlg.nsw.gov.au), on a quarterly basis.

5. How can you have your say?

MAKING A WRITTEN SUBMISSION

WRITTEN SUBMISSIONS CAN BE SENT TO:

Project Manager – Destination 2036
Division of Local Government
Department of Premier and Cabinet
Locked Bag 3015
NOWRA NSW 2541

Alternatively, submissions can be emailed to
Destination2036@dlg.nsw.gov.au.

If you only want to make a few brief comments, they can also be emailed to this address.

SUBMISSION TEMPLATE

To assist in preparing your submission, a template is provided on the DLG's *Destination 2036* webpage (www.dlg.nsw.gov.au). You can download the template and either type or write your views in the spaces provided and email or post it to the addresses above.

MEETING WITH THE DESTINATION 2036 PROJECT TEAM

The *Destination 2036* project team is keen to meet with key stakeholder groups and representative bodies to discuss the *Destination 2036* project and the draft Action Plan. If your organisation would like to participate in such a meeting, please contact the Project Manager on (02) 4428 4100.

WHAT ISSUES SHOULD YOU ADDRESS IN YOUR SUBMISSION?

While stakeholders and interested parties can comment on any matters relating to the draft Action Plan, the ISC is particularly interested in receiving feedback on the following:

1. What do you like about the draft Action Plan?

2. In what ways could the Action Plan be improved?

3. Are there other Key Activities you believe should be included under any of the Initiatives?

4. Do you have any comments or suggestions regarding the proposed process for advancing the Action Plan?

5. Are you aware of any activities (e.g. research) currently underway that could directly contribute to the achievement of any of the Initiatives or Key Activities?

WHAT IS THE DEADLINE FOR MAKING COMMENTS?

Comments on the draft Action Plan must be submitted by **15 February 2012**. However, the ISC would appreciate receiving your submission sooner if possible.

SUBMISSIONS TO BE MADE PUBLICLY AVAILABLE

All submissions may be made publicly available. If you do not want your personal details or any part of the submission released, please indicate this clearly in your submission together with reasons. You should be aware, however, that even if you state that you do not wish certain information to be published, there may be circumstances in which the Government is required by law to release that information (for example, in accordance with the requirements of the *Government Information (Public Access) Act 2009*).

The Draft Action Plan

Strategic Direction

Efficient and Effective Service Delivery

Establish frameworks that facilitate and encourage effective, responsive and innovative service delivery.

Local Government is all about delivering services to the local community. Any initiatives that can increase the efficiency and effectiveness of service delivery will result in improved outcomes for the community. It will also provide councils with greater flexibility to expand service delivery, increase opportunities for employees and enable new and innovative ways of doing things.

This Direction will be achieved through the following Initiatives:

INITIATIVE 1

Facilitate greater resource sharing and cooperation between councils

INITIATIVE 2

Establish Local Government as an employer of choice

INITIATIVE 3

Encourage and facilitate innovation

INITIATIVE 4

Enable a range of operating frameworks to be utilised to achieve efficient service delivery

Strategic Direction - Efficient and Effective Service Delivery

Initiative 1

Facilitate greater resource sharing and cooperation between councils

Why is this important?

Most councils are involved in different forms of resource sharing and cooperation, whether it be through project-specific bilateral arrangements or through formal structures such as Regional Organisations of Councils (ROCs), alliances, or through the peak bodies including LGSA and LGMA (NSW). Participants at the *Destination 2036* workshop recognised the significant benefits these arrangements provide in terms of improved efficiency, enhanced service delivery, reduced duplication, financial savings, consistency of processes and practices and addressing skills shortages. However, it is clear that there are a number of barriers to achieving a greater level of resource sharing and cooperation.

What is the current situation?

Commencing in 2005, DLG began systematically collecting information about, and promoting, collaborative arrangements between NSW councils. The information was summarised in *Collaboration and Partnerships between Councils – A guidance paper*, which was released at the 2007 Strategic Alliance Network Conference.

Collaboration and Partnerships provided a strategic context for council resource sharing and practical guidance to councils about a range of issues including strategic/business planning, stakeholder engagement, business models, benefits realisation and managing relationships. At the time it was released, councils were advised that this was a starting point and it would be updated.

What actions need to be undertaken?

Given the wide recognition of the important role ROCs can play, ROCs should be, and are, working with their member councils, and with each other, to identify the range of services or activities ROCs can undertake on behalf of their member councils. In doing so, ROCs are encouraged to strengthen their network and help each other to identify opportunities and learn from each other. Similarly, councils should be seeking out the opportunities that their ROCs, or other alliances, can provide. The State Government has indicated that it is keen to work with ROCs on regional planning matters and ROCs are encouraged to leverage off these opportunities and to develop networks within State Government agencies.

In this context, the limited capacity of some of the smaller ROCs will need to be considered.

Looking forward, there is a need to examine how the role of ROCs can be strengthened in regional strategic planning, tendering and procurement and Local Government service delivery and how the current barriers, including legislative, attitudinal, financial and administrative, can be overcome.

Flowing from this and linked to Initiative 11 (Structural Models) is the need to further develop regional collaborative models (including ROCs, county councils, strategic alliances, service specific projects).

There are also opportunities to examine and develop state-wide models for shared services capturing the benefits of large scale procurements (e.g. electricity) and technology

In January 2010, DLG surveyed councils and council managed collaborative arrangements to update its database of collaborative arrangements. It also sought to obtain councils' views on factors supporting collaborative arrangements as a means of meeting community needs. Over 110 councils responded to that request.

Over 600 council partnerships were identified and over 160 detailed project descriptions were submitted. In addition comprehensive information was provided about the resource projects managed by ROCs. The information was compiled and analysed in the *Collaborative Arrangements between Councils Survey Report* which was released by the Minister for Local Government at the June 2011 NSW Shires Association Annual Conference.

Continued support for collaboration between councils, as well as strengthened recognition of ROCs as a mechanism for regional strategic planning, regional Local Government service delivery and Local Government capacity building, emerged as significant issues worthy of detailed consideration. These findings were reinforced by the participants at the *Destination 2036* workshop and reflected in the Outcomes Report suggested actions.

In addition, the NSW Government is looking to ROCs as a key regional planning, consultation and delivery mechanism for the new State Plan – NSW 2021, as well as other regional planning initiatives, such as Regional Transport Plans.

Strategic Direction - Efficient and Effective Service Delivery

Initiative 1

(e.g. library operating systems), which could result in significant savings and improved service delivery outcomes for communities.

Linkage with other Initiatives

Initiative 2 (Employer of Choice)
Initiative 4 (Service Delivery)
Initiative 5 (Act Review)
Initiative 7 (Governance Structures)
Initiative 11 (Structural Models)
Initiative 13 (Functions)
Initiative 14 (Planning Frameworks)

Priority and timing

ROCs and councils should, and are, already examining how ROCs can be better utilised. The Executives of the ROCs have commenced meeting to discuss matters of common interest and this development is strongly supported.

DLG has commenced preparing a discussion paper "*Strengthening Local Government Collaboration on a Regional Basis*". That paper will form the basis for consultation with the Local Government sector on the way forward. The DLG is then planning to conduct a Resource Sharing Workshop in mid 2012 to further discuss regional collaboration and to develop models and legislative options. The examination of state-wide procurement and technology opportunities is a longer term Initiative, although potential implications for tendering will need to be considered in the context of the proposed review of the *Local Government Act*.

Who is responsible for this Initiative?

Responsibility primarily rests with the DLG, although the LGSA and councils and their ROCs have an ongoing and longer term role to play. DLG will need to engage a number of key stakeholders, including employee representatives, in progressing its Key Activities.

Why is this important?

Many councils, particularly in rural areas, have difficulty recruiting and retaining skilled staff, while councils in metropolitan and regional areas can have difficulty competing with other sectors of the economy, such as private planners and the mining industry, to retain qualified staff. The sector recognises the need to make Local Government an attractive, interesting and rewarding place to work and to also look at other more innovative ways to ensure councils can meet their statutory requirements.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
1a Councils to work with their ROCs to identify the range of services and activities that ROCs can provide on their behalf	Councils/ROCs	Commenced, ongoing	No
1b Develop and release for consultation a proposed strategy to support ROCs and strengthen collaboration on a regional basis	DLG	By March 2012	Yes
1c Conduct a workshop to develop models and legislative options	DLG	Mid 2012	Yes

Strategic Direction - Efficient and Effective Service Delivery

Initiative 2

Establish Local Government as an employer of choice

What is the current situation?

A number of initiatives have been pursued in recent years to increase the profile of Local Government as an employer of choice, to increase diversity and to assist in addressing skills shortages. In 2005, the DLG established a Skills Shortages Taskforce, which included a range of key stakeholders and which resulted in a number of positive outcomes, not least of which was to raise awareness of the issue and to encourage councils to be proactive.

By 1 July 2012, all councils should have in place a Workforce Management Plan, in accordance with Integrated Planning and Reporting, and they should be using those plans to increase the diversity and skills of their workforce.

What actions need to be undertaken?

A number of specific actions were suggested at *Destination 2036* related to ensuring a more flexible workplace, both for employers and employees, establishing shared specialist teams and formalising rural/city partnership arrangements. The establishment of apprenticeships, cadetships and traineeships should be seen as a key way to increase the diversity and skill range of council staff.

Councils should also be looking to grow their own workforce, through the establishment of apprenticeships, cadetships and traineeships. A number of councils have been very successful in building their workforce capacity through such processes. These types of positions provide an entry level opportunity for young local people which helps to offset the ageing workforce. It also helps to grow the pool of talent in the NSW Local Government sector.

However, there continues to be a mixed public perception of Local Government as a preferred place to work.

Strategic Direction - Efficient and Effective Service Delivery

Initiative 2

Linkage with other Initiatives

Initiative 1 (Resource Sharing)
Initiative 3 (Innovation)
Initiative 4 (Service Delivery)

Priority and timing

This Initiative will take a number of years and will require ongoing work by all stakeholders.

Who is responsible for this Initiative?

Both the LGSA and LGMA (NSW) have a key role in coordinating this Initiative. As registered employer bodies, LGSA play pivotal roles in industrial matters. As a body that represents the broad range of local government professionals and senior managers, the LGMA has a direct interest in efficiencies, innovation and flexibility also.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
2a Develop a program for sharing specialist professional, technical and other staff between councils in rural areas, on a regional basis and between urban and rural councils	LGSA/LGMA (NSW)	2012 - 2013	No
2b Develop a program for partnering and mentoring between large/small and urban/rural councils	LGSA	2013	No
2c Explore opportunities for increasing flexible working arrangements to support a variety of models of local government	LGSA/LGMA (NSW)	2012 - 2013	No
2d Develop and implement strategies to increase the diversity and skill range of council staff	LGSA/LGMA (NSW)	Immediately and ongoing	No

Strategic Direction - Efficient and Effective Service Delivery

Initiative 3

Encourage and facilitate innovation

Why is this important?

Technological advances are providing opportunities for councils to operate in new ways. With this new technology comes new ways of thinking. Public sector organisations must embrace these technologies and look at how they can use them to be more innovative, efficient and effective.

What is the current situation?

The NSW Government, through the new State Plan - NSW 2021, is committed to encouraging and nurturing a culture of innovation in the public sector. Goal 30 of the State Plan (Restore trust in State and Local Government as a service provider) states *"Through innovation, we can shape a modern, forward-thinking public sector that embraces new ideas to improve services and efficiency"*.

Many councils pursue and encourage innovation through their Business Improvement Systems, but more can be done at a sector level to encourage a culture of innovation and to share learnings.

What actions need to be undertaken?

The sector needs to develop and nurture relationships with education and research institutions to identify new innovative approaches and better practice in Local Government, both in Australia and internationally. The National Broadband Network (NBN) will also provide new opportunities and councils need to link in with these developments.

Importantly, learnings and developments need to be shared throughout the sector, so mechanisms will need to be put in place to facilitate this sharing.

Linkage with other Initiatives

Initiative 1 (Resource Sharing)
Initiative 2 (Employer of Choice)
Initiative 4 (Service Delivery)

Priority and timing

This is an ongoing Initiative that will need to be developed progressively over coming years. DLG is currently examining benchmarking options beyond the annual Snapshot of Local Government comparative publication.

Who is responsible for this Initiative?

The LGSA has primary responsibility for this Initiative in partnership with appropriate institutions (e.g. ACELG). DLG will work closely with councils in developing common performance measures.

Why is this important?

Beyond resource sharing and working through ROCs, there are a number of initiatives that councils could be pursuing to reduce costs and improve service delivery. It is therefore important to identify any barriers that are currently preventing councils from being innovative and exploring new ways of delivering services.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
3a Undertake research into innovation and better practice in Local Government in NSW, Australia and internationally	LGSA	2012 - 2013	No
3b Ensure councils take advantage of the National Digital Economy Strategy and the National Broadband Network to improve capacity and service delivery	LGSA	2012 - 2014	No
3c Develop a consistent performance measurement approach for councils	DLG	2012 - 2014	No

Strategic Direction - Efficient and Effective Service Delivery

Initiative 4

Enable a range of operating structures to be utilised to achieve efficient service delivery

What is the current situation?

The Local Government legislation can make it difficult for councils to provide services to each other, to operate specific services more commercially and to share senior staff. These legislative barriers are sometimes reinforced by administrative and political barriers, all of which can reduce the capacity of councils to improve services to their communities.

Linkage with other Initiatives

Initiative 1 (Resource Sharing)
Initiative 3 (Innovation)
Initiative 5 (Act Review)
Initiative 7 (Governance Structures)
Initiative 8 (Revenue System)
Initiative 11 (Structural Models)
Initiative 13 (Functions)
Initiative 14 (Planning Frameworks)

Who is responsible for this Initiative?

Both the LGSA and LGMA (NSW) have a key role in coordinating this Initiative. As registered employer bodies, LGSA play pivotal roles in industrial matters. As a body that represents the broad range of local government professionals and senior managers, the LGMA has a direct interest in efficiencies, innovation and flexibility also.

What actions need to be undertaken?

Participants at *Destination 2036* suggested that the legislation should be reviewed to more easily allow councils to establish contractual arrangements to provide services to each other and to remove barriers to sharing staff, including general managers and senior staff, and commercialising services. This Initiative therefore needs to both identify barriers and develop alternative business models.

Priority and timing

This Initiative will need to be considered in tandem with the proposed review of the Act (Initiative 5) and the facilitation of resource sharing (Initiative 1).

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
4a Identify barriers to establishing inter-council contractual arrangements sharing staff, including general managers and senior staff as well as commercialising services	LGSA /LGMA (NSW)	Oct 2012	Yes
4b Develop alternative service delivery business models	LGMA (NSW)	Oct 2012	Yes

Strategic Direction

Quality Governance

Enhance the governance framework to ensure community confidence in their council and to further enable Local Government to meet community needs and challenges.

When referring to governance, we mean how the responsibilities of those in power are exercised, how decisions are made and how community members and stakeholders have their say in such decisions. This includes, but is not limited to the resources and structures that allow good debate and good policy making to occur. Quality governance is critical to the sustainability of councils. The overwhelming majority of council failures in NSW have been caused by issues of poor local governance.

During the course of *Destination 2036*, a number of suggestions were made about improving the decision making processes of councils, both in terms of enhancing the community's confidence in performance of elected representatives and in the systems underpinning council decision making processes.

As many of the solutions to these issues rest with the requirements of the Local Government legislation, this Direction includes those actions specifically related to the proposed review of the *Local Government Act*.

This Direction will be achieved through the following Initiatives:

INITIATIVE 5

Incorporate into the proposed *Local Government Act* review the recommendations and findings from relevant *Destination 2036* actions

INITIATIVE 6

Ensure the legislation provides flexibility and reduces red tape

INITIATIVE 7

Ensure strong and effective local governance

Strategic Direction - Quality Governance

Initiative 5

Incorporate into the proposed review of the Local Government Act the recommendations and findings from relevant *Destination 2036* actions

Why is this important?

As previously noted, a large number of Initiatives in this plan will require legislative change if adopted. It is essential that the proposed review of the *Local Government Act* recognises and incorporates these actions where appropriate.

What is the current situation?

In determining the scope, process and timeframe of the proposed Act review, one of the key issues to be considered will be the alignment with Initiatives under the Action Plan.

What actions need to be undertaken?

The timeframes for undertaking Initiatives in the Action Plan will need to be aligned with key timeframes for the Act review. The draft Action Plan has been developed on this basis, as is the planning for the proposed Act review.

Priority and timing

This matter is currently under consideration and will need to be incorporated into the final Action Plan and the Act Review plan.

Who is responsible for this Initiative?

The DLG is responsible for this Initiative.

Linkage with other Initiatives

Initiative 1 (Resource Sharing)
Initiative 4 (Service Delivery)
Initiative 6 (Reduce Red Tape)
Initiative 7 (Governance Structure)
Initiative 8 (Revenue Framework)
Initiative 10 (Asset Funding)
Initiative 11 (Structural Models)
Initiative 12 (Voluntary Amalgamations)
Initiative 13 (Functions)

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
5 The proposed Act review and the <i>Destination 2036</i> Action Plan are linked	DLG	Throughout 2012	Yes

Strategic Direction - Quality Governance

Initiative 6

Ensure the legislation provides flexibility and reduces red tape

Why is this important?

With over 150 councils in NSW of varying geographic size and population, it is essential that the legislation does not adopt a "one size fits all" approach, but rather it is flexible enough to accommodate the different capacities of councils and community needs, while at the same time ensuring accountability, transparency and effectiveness. This means that the legislation should not be overly prescriptive, but provide sufficient measures to ensure a quality governance framework exists for all councils.

This issue was the most commonly identified priority from submissions to the *Destination 2036 Outcome Report*.

While there are a number of legitimate regulatory functions for councils at the local level, their primary role is to provide services to their communities. It is therefore important that council resources are freed up to the maximum extent possible to focus on providing services to meet local needs, rather than being bogged down in process and compliance activities.

What is the current situation?

This is a matter that will need to be considered when framing the terms of reference for the Act review.

What actions need to be undertaken?

The need to provide flexibility and limit red tape while ensuring accountability should be a guiding principle for the Act review. There should also be an onus on Local Government to identify, during the consultation phase of the review, those areas of the legislation that they believe create unnecessary red tape and that could be removed or reduced without adversely impacting on accountability and good governance.

The Productivity Commission is currently undertaking a national review - Business Regulation Benchmarking – Role of Local Government, and the findings from that review may provide valuable input.

Linkage with other Initiatives

Initiative 1 (Resource Sharing)
Initiative 4 (Service Delivery)
Initiative 6 (Reduce Red Tape)
Initiative 7 (Governance Structure)
Initiative 8 (Revenue Framework)
Initiative 10 (Asset Funding)
Initiative 11 (Structural Models)
Initiative 12 (Voluntary Amalgamations)
Initiative 13 (Functions)

Priority and timing

This matter is currently under consideration.

Who is responsible for this Initiative?

DLG is responsible for the proposed Act review. LGSA is to identify and co-ordinate areas of red tape reduction.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
6a The need for flexibility and reduced red tape to be recognised in the Act review	DLG	Commenced, ongoing	Yes
6b Identify opportunities to reduce red tape while ensuring accountability and not compromising good governance	LGSA	June 2012	Yes

Strategic Direction - Quality Governance

Initiative 7

Ensure strong and effective local governance

Why is this important?

In order to ensure public confidence in councils and council decision making it is essential that appropriate governance structures are in place and that councillors are well-informed and are representative of their community. While strong governance structures are essential, they are of little value without strong leadership, culture and communication.

In order to ensure the highest standards of governance, participants at *Destination 2036* suggested that we need to examine how we currently deal with instances of unacceptable councillor behaviour, what alternative governance models are available and the need to improve training and development and to encourage greater diversity among councillors.

What is the current situation?

Over recent years, DLG has, in consultation with the LGSA and LGMA (NSW), been pursuing a number of strategies to improve governance. These include the Promoting Better Practice Program, the introduction of Integrated Planning and Reporting, the Councillor Development Strategy (the provision of councillor induction and refresher training) and the development of the Model Code of Conduct.

DLG recently commenced a review of the Model Code. Following an initial discussion paper, DLG has issued a Position Paper, which incorporates feedback from stakeholders. The DLG is also working on strategies to increase diversity and is considering options for future candidate and councillor development.

What actions need to be undertaken?

The types of actions identified include:

- Review and amend the Model Code of Conduct and relevant provisions of the *Local Government Act*, and provide appropriate training, to ensure the highest standards of behaviour by councillors and council officials
- Examine the pros and cons of alternative governance arrangements including, but not limited to:
 - minimum &/or maximum terms that Mayors and Councillors can serve
 - half term elections
 - a "portfolio model"
 - greater flexibility to determine mayoral election
 - remuneration of councillors
 - wards
 - roles and responsibilities
- Develop and implement strategies to increase the diversity and skill range of candidates and councillors across the sector
- Develop and implement a councillor development strategy, which recognises prior learning

Strategic Direction - Quality Governance

Initiative 7

Linkage with other Initiatives

Initiative 5 (Act Review)
Initiative 11 (Structural Models)

Priority and timing

The review of the Model Code is scheduled to be submitted to the Minister for Local Government by April 2012. Councils should be actively participating in the consultation program that has been developed as part of this review.

As the review of alternative governance arrangements will contribute to the consideration of alternative structural models for Local Government (Initiative 11), it is essential that this work is progressed as part of, or in close consultation with, that Initiative.

The DLG's work on promoting diversity and encouraging broader councillor representation will be completed in advance of the 2012 council elections, while it is currently considering options for a range of councillor development strategies based on an evaluations of the 2008 Councillor Development Strategy.

Who is responsible for this Initiative?

While the DLG has primary carriage for setting the governance system for Local Government, it is councils themselves that are responsible for how they apply and comply with that system. In addition, the LGSA and the LGMA (NSW) have important roles in developing, implementing and promoting strategies to improve the quality of governance and of those that govern.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
7a Review and amend the Model Code of Conduct and relevant provisions of the <i>Local Government Act</i> to ensure the highest standards of behaviour	DLG	April 2012	No
7b Examine the pros and cons of alternative governance models.	DLG	Oct 2012	Yes
7c Develop strategies designed to increase the diversity and skill range of candidates and elected councillors	DLG / LGSA	Immediately and ongoing	No
7d Develop and implement a Councillor Development Strategy including mentoring and orientation	DLG / LGSA	By Sept 2012	No

Strategic Direction

Financial Sustainability

Ensure the financial sustainability of councils.

Financial sustainability is arguably the key requirement to achieving strong and sustainable councils. Financial sustainability was identified as the most important challenge currently facing councils in NSW. This is particularly important in terms of “own source revenue”. Councils need to ensure that they are collecting income from their local communities efficiently and effectively and at levels that are sustainable.

Our communities have differing capacities and willingness to contribute more. The Productivity Commission¹, for example, found significant variation between classes of councils in their ‘fiscal capacity’. It concluded that “...capital city councils have the highest fiscal capacities and urban fringe councils the lowest, on average”. It also found that, if all councils increased their own source revenue to capacity “...the majority of rural and remote Local Governments would remain highly dependent on Australian and State Government grants”. Unfortunately, however, the greater a council is reliant on grants from other levels of government, the less autonomy it has over its own future.

It is therefore essential that the revenue framework for Local Government in NSW provides sufficient flexibility for councils to exploit their revenue bases, while ensuring that local communities and businesses are protected from excessive taxes and charges that are economically and socially damaging. It should also address the inherent differences between local government areas, particularly between rural and metropolitan, in their capacity to fund infrastructure investment. In addition, it needs to recognise that smaller rural and regional councils do not have access to the broader range of income sources that many larger councils have, such as parking revenue, which means they are more reliant on general rates as their main form of own source revenue.

This Direction seeks to achieve this balance through the following Initiatives:

INITIATIVE 8

Review the revenue system to ensure greater flexibility and self reliance

INITIATIVE 9

Develop strategies that maximise opportunities to secure funding from other levels of Government

INITIATIVE 10

Establish a range of funding models to enable the long term maintenance, replacement and creation of different classes of assets

¹ Productivity Commission, *Assessing Local Government Revenue Raising Capacity*, Research Report, April 2008

Strategic Direction – Financial Sustainability

Initiative 8

Review the revenue system to ensure greater flexibility and self reliance

Why is this important?

In 2005, the LGSA commissioned a major Inquiry into Local Government finances in response to the widespread concerns about Local Government's financial capacity to meet the growing demand for infrastructure and services.

The terms of reference required the Inquiry to:

- assess adequacy of Local Government infrastructure and services.
- assess financial capacity of Local Government to meet statutory obligations, expected functions and new challenges.
- identify possible funding, administrative, governance and intergovernmental reforms to address any shortcomings uncovered.
- address specific issues already identified by the LGSA (e.g. cost shifting, rate pegging & exemptions).

The then NSW Government provided a comprehensive response to the Inquiry recommendations. This included requesting the Independent Pricing and Regulatory Tribunal (IPART) to inquire into the impact of rate pegging. More generally, the introduction of Integrated Planning and Reporting was seen as an important reform to councils' financial and asset management practices that would help to put councils on a more financially secure long term path.

What actions need to be undertaken?

In the first instance, a review should be commissioned to update the key elements of the Allan Inquiry, to determine the extent to which recent policy changes have impacted financial sustainability. This review should consider

what other legislative or policy changes can be made to increase own source revenue flexibility and self reliance, while ensuring that local communities and businesses are protected from excessive rates and charges that could be economically and socially damaging.

In addition, the current rating provisions of the Local Government legislation should be reviewed to ensure the system is contemporary in the context of the principles of Local Government taxation; namely equity, benefit to the community, capacity of ratepayers to pay, the efficiency of the impact of the taxes, and the simplicity of the taxation system.

The impending introduction of the Carbon Tax will also impact on councils to varying, but as yet unknown, degrees. There will therefore need to be consideration of how councils will be able to fund this impost.

A number of developments have proceeded since the Allan Inquiry, and it would be timely to revisit the matter to assess how those developments have impacted on the position in 2006.

What is the current situation?

Since the Allan Inquiry, the former NSW Government transferred responsibility for rate pegging, and the assessment of special rate variations to IPART. IPART has since developed a Local Government Cost Index to calculate the rate peg, which is designed to be reflective of cost pressures faced by councils. It has also implemented a rigorous process to the assessment of special rate variations. The DLG has ensured that the special rate variation process adopted by IPART has aligned with the implementation of Integrated Planning and Reporting. The intent of this alignment is to provide councils with a long term revenue path, through their Resourcing Strategy, reflective of and supporting their four year Delivery Program.

While the reforms were designed to provide councils with greater flexibility in determining their income requirements in consultation with their communities, a number of other changes over the period, such as the cap on developer contributions under section 94 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), have negatively impacted on revenue flexibility for some councils.

Strategic Direction - Financial Sustainability

Initiative 8

Linkage with other Initiatives

Initiative 5 (Act Review)
Initiative 6 (Reduce Red Tape)
Initiative 7 (Governance Structure)
Initiative 9 (Grant Funding)
Initiative 10 (Asset Funding)
Initiative 12 (Structural Models)
Initiative 13 (Functions)

Priority and timing

This is a high priority Initiative that will need to be undertaken in close alignment with Initiative 5 and Initiative 12.

Who is responsible for this Initiative?

The DLG is responsible for this Initiative.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
8a Review and update key elements of the Allan Inquiry, to determine the extent to which recent policy developments have improved or hindered financial sustainability	DLG	By Oct 2012	Yes
8b Examine current rating provisions of the Local Government legislation to ensure the system is contemporary	DLG	By Oct 2012	Yes
8c Identify new own-source revenue opportunities	DLG	By Oct 2012	Yes

Strategic Direction - Financial Sustainability

Initiative 9

Develop strategies that maximise opportunities to secure funding from other spheres of Government

Why is this important?

In the absence of a broad and readily accessible income base, funding from other spheres of government will continue to be essential to maintaining Local Government sustainability, particularly in rural areas.

What is the current situation?

Under the provisions of the *Local Government (Financial Assistance) Act 1995* (C'with), the Commonwealth Government provides untied financial assistance grants (FAGs) to local government bodies to spend according to their own priorities. The scheme's national entitlement for 2011/12 amounts to \$2.152 billion, of which the NSW share is \$674.263 million, or about 30%. The allocation of these funds to individual councils is determined by the NSW Local Government Grants Commission using 'horizontal fiscal equalisation' principles.

Financial assistance grant funding has been steadily declining as a percentage of Commonwealth revenue, from almost 1.1% in 1992/93 to 0.6% in 2008/09. It has increased slightly since then, but this has been due to Commonwealth revenues dropping due to the Global Financial Crisis.

The Commonwealth Government has announced that it will conduct a review into the equity and efficiency of the current funding provided through the FAGs program. This review is due to be completed in 2012-13.

In addition, Local Government has become heavily reliant on the Commonwealth's Roads to Recovery Program. This Program commenced in 2000/01. It has a limited life-span and is due to expire in 2013/14, although it has been renewed on a number of occasions. Local Government has become reliant on these funds and its lack of permanency creates great uncertainty for councils in terms of planning for the maintenance of their roads.

What actions need to be undertaken?

The NSW Government, the LGSA and individual councils need to actively participate in the Commonwealth review of FAGs to ensure both an increase in the total pool of funding for all councils in Australia. The Local Government sector, through the Australian Local Government Association (ALGA) nationally and the LGSA in NSW, is campaigning for increased permanent funding under the Roads to Recovery Program.

More broadly, there is also a responsibility on every council in NSW to do what it can to apply for and secure grant funding from other levels of Government. Councils should also be looking at working together to secure such funding on a regional basis, and for the LGMA (NSW) to play an active coordination role and to assist smaller rural and regional councils to develop skills in applying for, and acquitting, grant funding.

Strategic Direction - Financial Sustainability

Initiative 9

Linkage with other Initiatives

Initiative 1 (Resource Sharing)
Initiative 16 (Constitutional Recognition)

Priority and timing

The timing will be largely determined by the Commonwealth.

Who is responsible for this Initiative?

The LGSA has primary responsibility for this Initiative, although every council must play a proactive role. The LGMA (NSW) should also develop a program or assistance arrangement to help small councils secure grants.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
9a Representations to the Commonwealth Government to provide Local Government with a greater share of income and a "fairer" distribution of funds between councils through the Commonwealth's review of Financial Assistance Grants	LGSA	2012-2013	No
9b Representations to the Commonwealth Government to ensure permanency of the 'Roads to Recovery' program	LGSA	Immediate and ongoing	No
9c Actively apply for and secure project specific grant funding from other levels of Government	Councils and ROCs	Immediate and ongoing	No
9d Develop skills in rural and regional councils to better ensure that they secure grant funding from other levels of Government	LGMA (NSW)	2012	No

Strategic Direction – Financial Sustainability

Initiative 10

Establish a range of funding models to enable the long term maintenance, replacement and creation of different classes of assets

Why is this important?

One of the key roles of councils, as identified at *Destination 2036*, is the provision of infrastructure. It is therefore not surprising that participants at the workshop identified 'infrastructure and asset issues' as the most important challenge facing councils in NSW to plan for. This challenge relates to maintaining existing infrastructure stock and providing for future infrastructure needs.

What is the current situation?

The infrastructure backlog facing Local Government throughout the State cannot be addressed overnight. For some councils, the backlog is insurmountable and cannot be addressed without significant change. In 2006, the Allan Inquiry estimated that the annual infrastructure renewal gap for all NSW councils was approximately \$500 million, with a total infrastructure renewal backlog of \$6.3 billion.

Since that time, there has been significant policy focus on this issue. Under the Integrated Planning and Reporting framework, for example, all councils are required to have an asset management policy, strategy and plans. At the time of the Allan Inquiry, less than one in five councils managed their infrastructure through a management plan.

The Commonwealth Government has also been placing great importance on the need for councils throughout Australia to better manage their assets, as a condition of Commonwealth infrastructure grants.

What actions need to be undertaken?

A number of the actions proposed at *Destination 2036* are already underway.

As part of the State Plan – NSW 2021, the Government has committed to increase expenditure on critical infrastructure throughout the State and it will be identifying local priorities through the development of the Regional and Local Action Plans. The development of these Action Plans is discussed further under Initiative 14 (Planning Frameworks).

As part of its Local Infrastructure Backlog Policy, the Government has implemented a number of interrelated initiatives including an audit of each council's local infrastructure backlog, so there is better information on where investment is needed, and the establishment of a Local Infrastructure Renewal Scheme.

The Government is also supporting councils through the Commonwealth's Local Government Reform Fund (LGRF) allocation of \$3,250,000. In conjunction with the LGMA (NSW), the LGSA and the Institute of Public Works Engineers Australia (IPWEA), DLG is implementing a support program for all councillors and council senior management, as well as providing targeted financial support and asset management advice to 42 councils assessed as most in need.

The Minister for Local Government and the ALGA nationally and the LGSA in NSW, will continue to make representations to the Commonwealth Government and

COAG to provide a coordinating mechanism for Federal, State and Local Government infrastructure strategies and associated funding processes. In this regard, the Commonwealth Government has recently announced it has commissioned a review of regional infrastructure financing to identify the sources of capital for future local infrastructure needs and identify the opportunities, best practice models and principles for the regional prioritisation and financing of local government infrastructure. The review is due to be completed in March 2012.

Strategic Direction - Financial Sustainability

Initiative 10

Linkage with other Initiatives

Initiative 8 (Revenue System)
Initiative 9 (Grant Funding)

Priority and timing

Significant work has already commenced on this Initiative. It is an ongoing issue that will need to be monitored and reviewed over time.

Who is responsible for this Initiative?

The DLG has primary responsibility for this Initiative. The LGRF has three elements and is being implemented jointly by DLG, LGSA, IPWEA and LGMA (NSW)

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
10a State Government to invest in new local infrastructure in accordance with NSW 2021	To be developed through the Regional and Local Action Plan process	Already commenced. Plans to be finalised by July 2012	No
10b Establish and implement the Local Infrastructure Renewal Scheme	DLG	Already commenced. Annual program funded until 30 June 2015.	No
10c Provide support to councils to develop asset management plans and better understand asset management issues	LGRF Group	Already commenced, until July 2012	No
10d Representations to the Commonwealth Government to develop coordinated infrastructure strategies and funding	LGSA	Ongoing	No

Strategic Direction Appropriate Structures

Develop a variety of Local Government structural models to suit different environmental contexts.

There are 152 councils in NSW serving significantly different population sizes over vastly different geographic areas. Currently, all of these councils are treated the same. One of the key questions asked at *Destination 2036* was, what models of Local Government are most appropriate, and where? An entire session at the workshop was dedicated to this question.

The primary message which emerged from a large proportion of the sub groups was that civic leaders do not want to see a “one size fits all” model of Local Government in NSW. This aligns with the responses to the Online Survey before the workshop, in which 85% of respondents agreed that councils of the future should be using a range of structural models enabled by legislation.

In addition, it is clear that where desirable boundary changes have been identified by councils that will better enable them to serve their communities, the process for achieving such change is cumbersome and costly.

This Direction therefore focuses on the following Initiatives:

INITIATIVE 11

Develop a number of different structural models for Local Government

INITIATIVE 12

Encourage and facilitate voluntary amalgamations and boundary alterations

Strategic Direction - Appropriate Structures

Initiative 11

Develop a number of different structural models for Local Government.

Why is this important?

We need to recognise that one size does not fit all and we need to develop a number of different models that can accommodate the different types of councils and their communities. We also need to ensure that relevant councils are involved in this process to ensure that they work, before the models are enshrined in legislation.

What is the current situation?

There is wide acceptance among the sector that a number of different models should be applied, primarily depending on geographic location or environment, and the *Destination 2036* workshop achieved some headway in sketching out some of the alternative models.

What actions need to be undertaken?

There is a large variety of Local Government structural models in Australia and internationally. In the first instance, it is important for us to understand what these alternative models are, their key features and why they exist the way they do. We can then determine their applicability to the NSW contexts.

This Initiative will then require the "construction" of various structural models, based around the key features of function, governance and finance. It is therefore imperative that this Initiative is developed in close consultation with Initiatives 1, 5, 7, 8 and 13. The models developed at the workshop covered all areas of NSW, but in general tended to focus on urban, regional or rural areas. These models can serve as a starting point for further consideration. Specific models suggested at *Destination 2036* include, but are not limited to:

- a model with greater and more formalised regional service delivery and resource sharing
- a model for small to medium councils with shared administrations but independent elected bodies
- a two tier model, with roles and responsibilities separated between local and regional councils
- a model for larger councils with a corporate board structure and/or corporatized service delivery

The development of these alternative models will need to be done in close consultation and with the participation of relevant council types.

Linkage with other Initiatives

Initiative 1 (Resource Sharing)
Initiative 4 (Service Delivery)
Initiative 5 (Act Review)
Initiative 7 (Governance Structures)
Initiative 8 (Revenue System)
Initiative 13 (Functions)

Priority and timing

DLG has already commenced preliminary desktop research on alternative structural models, which should be finalised by February 2012. Once this work is complete it can serve as a basis for further work on the development of models, which will need to be ready for incorporation into the proposed Act review.

Who is responsible for this Initiative?

DLG is the coordinating agency but will require a team approach including the LGMA (NSW), LGSA, volunteer councils and key employee organisations.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
11a Undertake research into alternative structural models of Local Government in Australia and other jurisdictions, identifying their key features and assessing their applicability to NSW	DLG	Feb 2012	Yes
11b Develop, with volunteer councils, a variety of models for the structure of councils in NSW	DLG	Oct 2012 and beyond	Yes

Strategic Direction - Appropriate Structures

Initiative 12

Encourage and facilitate voluntary amalgamations and boundary alterations

Why is this important?

While the State Government has a policy of no forced amalgamations, there are instances where voluntary amalgamations and/or boundary changes make sense and will allow for communities to be better served, and they should be encouraged. Further, where amalgamations and/or boundary alterations are proposed by the affected councils, the process for achieving them should be made less cumbersome, less costly and less time consuming.

What is the current situation?

The process for achieving a boundary alteration or amalgamation is complex and costly. It is legislated under the *Local Government Act*. The Local Government Boundaries Commission, which is an independent statutory authority constituted under s260 of the Act has the function of examining and reporting on any matter referred to it by the Minister for Local Government regarding the boundaries of Local Government areas. Section 263(3) specifies factors which the Boundaries Commission must have regard to when considering amalgamation proposals.

In 1999, the Act was amended to simplify the process for achieving voluntary amalgamations and boundary adjustments. However, since that time, only four amalgamations have proceeded at the request of the affected councils.

What actions need to be undertaken?

This Initiative is not about facilitating voluntary amalgamations by stealth, rather it is about removing barriers. This Initiative will require the identification of the barriers that currently exist, either legislatively, administratively or politically, that are preventing councils from adopting boundary adjustments or any voluntary amalgamations that would benefit their communities. It will then require the identification of what changes are required to remove those barriers.

In addition, it is recognised that any voluntary amalgamations or boundary alteration process creates short term costs. As with any organisational change, it can be disruptive to staff and the community and it can result in stress and anxiety. It is therefore important to also identify what incentives can be provided to help mitigate these short term costs.

Linkage with other Initiatives

Initiative 5 (Act Review)

Priority and timing

Any proposed changes to the legislation will need to be identified and incorporated into the proposed review of the *Local Government Act*. Identifying and addressing administrative and political barriers and incentives should be developed over time, preferably with the support of some volunteer councils.

Who is responsible for this Initiative?

LGSA is the coordinating agency but will require a team approach including the LGMA (NSW), DLG, volunteer councils and key employee organisations.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
12 Identify barriers and incentives to encourage the voluntary amalgamation or boundary adjustment of councils	LGSA	Oct 2012 and beyond	Yes

Strategic Direction

Strong Relationships

Improve the relationship between the State and Local Government by working as partners, with a clear understanding of respective roles and responsibilities and for the benefit of our communities.

There was a strongly held view throughout the *Destination 2036* workshop that Local Government has not been treated as an equal partner by the other spheres of government. Rather, there is a perception that Local Government is just another stakeholder for consultation, rather than a legitimate and equal partner in strategic decision making. In particular, there has been growing frustration within the sector that even when it has occurred, consultation by the State Government has historically been tokenistic, particularly where State Government policies impact on councils. Participants did, however, recognise that the new State Government wanted to improve the relationship.

The lack of clarity in functions, roles and responsibilities and the often poor communication and consultation manifests not only in a strained relationship between State and Local Government, but it can result in poor planning, duplication or gaps in service provision, additional unfunded financial pressures for councils and ultimately poor outcomes for local communities.

These themes were reflected in the Directions proposed at the workshop for the next 1-4 years. The suggested directions included creating "...a respectful, honest and professional partnership based upon agreed values", "...defining the roles and responsibilities of the three tiers ..." and "...removal of cost shifting..."

This Direction will be achieved through the following Initiatives:

INITIATIVE 13

More clearly define the functions, roles and responsibilities of Local and State Government

INITIATIVE 14

Align State and Local Government planning frameworks

INITIATIVE 15

Negotiate a new Inter-Governmental Agreement (IGA)

INITIATIVE 16

Recognise Local Government as a legitimate and important sphere of government

Strategic Direction - Strong Relationships

Initiative 13

More clearly define the functions, roles and responsibilities of Local and State Government

Why is this important?

Better understanding and more clearly defining the functions, roles and responsibilities of the three spheres of government is a high priority for all stakeholders. It is fundamental to building strong relationship and partnerships between the three spheres of government. Issues such as accountability and cost shifting will stand a stronger chance of resolution when there is a clear definition of the respective roles.

What is the current situation?

The *Local Government Act* and the *Local Government (General) Regulation 2005* currently specifies a number of functions and activities that councils are responsible for and that they must perform. Some functions of Local Government are specified in other legislation, such as the *Environmental Planning and Assessment Act*. In most instances, where councils are responsible for a particular regulatory activity, the legislation seeks to provide the capacity for councils to raise funds through fees or charges to cover the costs of the activity.

In addition to these specific functions, the Council Charter, which is contained in Section 8 of the *Local Government Act*, is very broad in terms of the functions and activities

What actions need to be undertaken?

In order to more clearly define the roles and functions of Local Government and the State Government, it is important to firstly identify the current status.

The key action for this Initiative therefore is to undertake a stock take of the current functions, roles and responsibilities that are mandated for Local Government, and the legislative provisions under which those functions are required. This will provide a clear snapshot of the core functions that councils are currently required to perform, particularly in terms of regulatory functions. It will also help to identify the funding sources available to perform the tasks.

Once this work has been undertaken, it will be possible to consider whether a set of core functions for Local Government should be prescribed in the *Local Government Act*.

that councils can undertake. The charter is based on the principle that councils have a broad role and are empowered to make decisions on behalf of and with their communities. An overly prescriptive definition of the role and functions of Local Government could go against the wishes of the local community. In short, councils should have the flexibility to provide services and facilities that best meet the needs of their particular community.

It must also be recognised that society's needs and demands are not static and the three spheres of government need to retain a degree of flexibility in order to respond to these changes. Any attempt to define functions and responsibilities must therefore include a mechanism to negotiate and agree on who should perform new functions and how those functions will be funded – indeed, this is a major feature of the Inter-Governmental Agreement (IGA). Therefore, this is a matter that will need to be considered in the context of Initiative 15 (New IGA).

Strategic Direction - Strong Relationships

Initiative 13

Linkage with other Initiatives

Initiative 5 (Act Review)
Initiative 8 (Revenue System)
Initiative 11 (Structural Models)
Initiative 15 (New IGA)

Priority and timing

The findings from this action will be used to inform negotiations on the new IGA. In doing so, they may be used to set a baseline against which any future cost shifting claims can be determined and addressed.

The findings will also contribute to the consideration of alternative models for Local Government, particularly if it is considered that different council types should undertake a different scope of activities. Similarly, the research will need to be completed early enough for the review of the *Local Government Act* to assess whether there is support to prescribe core functions in legislation. The findings may also inform discussions on specific issues, such as Local Government's role in funding and delivering emergency services.

It is therefore essential that this work is undertaken and completed by early 2012, so that it may feed into Initiatives 11 and 15.

Who is responsible for this Initiative?

DLG has already commenced a research project to review all functions provided by Local Government in NSW, other jurisdictions and internationally to determine where core Local Government functions have been legislated/regulated. The LGSA has also done extensive work on this issue as part of its *Modernising Local Government* program, which the DLG will draw upon.

Once this research is complete, it will feed into Initiative 11. The findings will also be made publicly available and will be used by the respective parties to assist in negotiation of the new IGA.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
13a Desktop research all functions provided by Local Government to determine where core LG functions have been legislated/regulated	DLG	By early 2012	Yes
13b Identify those functions that are clearly State or Local Government responsibility and identify those that cannot be readily defined	DLG	By mid 2012	Possibly

Strategic Direction - Strong Relationships

Initiative 14

Align State and Local Government planning frameworks

Why is this important?

Both the State and Local Governments have important roles in strategic and land use planning. The *Environmental Planning and Assessment Act* sets out how responsibility for environmental planning is determined between NSW State and Local Government. As a result of a range of amendments over the last 30 years, the NSW planning system is now characterised by its complexity, multi-layering of plans and policies, multiple development approval pathways and consent bodies, and lack of integration of land use and infrastructure planning.

More broadly, under the Integrated Planning and Reporting reforms, councils are now required under the *Local Government Act* to prepare a long term Community Strategic Plan and Long Term Financial Plan for their area. The Community Strategic Plan is for the entire community, not just those elements within the council's control. Under the reforms, councils are required to consider and take into account the State Plan and any regional plans, although there is no requirement for the State to consider council plans.

What is the current situation?

The State Government has already set in train a number of significant initiatives to improve the alignment of state and local planning.

In terms of land use planning, the NSW Government has already abolished Part 3A determinations under the EP&A Act. More broadly, it has commenced a comprehensive review of the Act. The review will include a comprehensive process of consultation across the State. DLG has been liaising with the EP&A Act Review Panel to ensure that issues of commonality are understood.

In terms of strategic planning, the new State Plan – NSW 2021 gives explicit recognition of Local Government as an important element of and contributor to the delivery of the State Plan. Over coming months, Regional Ministers and Members of Parliament will consult with Local Government and communities across the State to develop Regional and Local Action Plans aligned to NSW 2021. These plans will focus on the most important actions the NSW Government can take to improve outcomes in each region and locality.

What actions need to be undertaken?

There are a number of actions that can be undertaken by the Local Government sector and other stakeholders to improve planning systems and outcomes.

Firstly, all councils and other affected stakeholders should take the opportunity to contribute to the review of the EP&A Act. The LGSA as the sector's representative body should make representations to the Review to ensure greater integration of the planning processes and greater involvement with Local Government in the development of Strategic Land Use Plans. DLG will also continue to liaise with the Act Review Panel.

With regard to the alignment of strategic planning, local councils and their communities and ROCs must be actively engaged in the development of the Regional and Local Action Plans. The process for the development of these plans will, in itself, help to strengthen the relationship between individual councils and their ROCs and their respective Regional Ministers and Regional Coordinators. Strengthening these relationships will assist councils to establish broader State Government relationships.

The DLG will also continue to develop tools and provide information, including data sources, to assist councils in preparing their Integrated Planning and Reporting plans.

It has also been noted that there are a number of regional boundaries that are used by different agencies for different

Strategic Direction - Strong Relationships

Initiative 14

purposes. This often adds to confusion and potentially results in overlap or gaps in regional representation. The Southern Councils Group (SCG) has recently commenced a project to identify these different regional boundaries. Given the project's linkage to this Initiative, it is proposed that the DLG joins with the SCG on this project and this work be brought under the *Destination 2036* umbrella.

Linkage with other Initiatives

Initiative 1 (Resource Sharing)
Initiative 13 (Functions)
Initiative 15 (New IGA)
Initiative 16 (Constitutional Recognition)

Priority and timing

The NSW Government has placed a high priority on the review of the EP&A Act and the development of Regional and Local Action Plans. Both have clearly established timeframes outside the *Destination 2036* framework. Consultation on the EP&A Act review will continue throughout the remainder of 2011 and into 2012. Consultation on the development of Action Plans will commence soon. The Plans are expected to be finalised by July 2012.

Who is responsible for this Initiative?

The NSW Government has already taken a lead on this Initiative outside the *Destination 2036* framework. There is clearly a shared responsibility with Local Government to ensure that the sector actively participates in the new processes that the Government is establishing. DLG will also take a leading role in coordinating with State agencies and identifying existing boundaries.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
14a Contribute to the review of the EP&A Act	LGSA	2012	Possibly
14b Contribute to Regional and Local Action Plans that link to NSW 2021 and that address the key issues in each region and local area	Individual councils/ROCs	By July 2012	No
14c Improve access to State agency information and data to assist councils and ROCs with local and regional planning	DLG	Ongoing	No
14d Identify the range of regional and sub-regional boundaries used by State and Local Government agencies and related authorities	DLG / SCG	April 2012	No

Strategic Direction - Strong Relationships

Initiative 15

Negotiate a new Inter-Governmental Agreement (IGA)

Why is this important?

An Inter-Governmental Agreement (IGA) can underpin and help to strengthen the relationship between the State and Local Government. It can provide a robust framework and mechanism to establish a strong partnership through addressing specific roles and responsibilities, dealing with changes in responsibilities (i.e. address cost shifting) and for dispute resolution. It could also serve as an umbrella under which the *Destination 2036* initiatives can be progressed and dealt with.

What is the current situation?

An Inter-Governmental Agreement between LGSA and the NSW Government (NSW IGA) was signed in October 2010. That agreement formalised the relationship between the two sectors, and commits to working together to build a strong and sustainable Local Government sector.

The Agreement acknowledges the *Inter-Governmental Agreement Establishing Principles Guiding Inter-Governmental Relations* on Local Government Matters signed by the Commonwealth Government, the NSW Government and all other State and Territory Governments, and the Australian Local Government Association (ALGA) in 2006. It seeks to complement the objectives of that

Agreement to achieve the best possible outcomes for communities. Following a recent review of the National IGA, members will now investigate regular performance measurement and a reporting framework at all three levels of government. Following that, members will examine the potential to broaden the IGA's scope.

The existing NSW IGA seeks to ensure the efficiency, effectiveness and coordination of service and infrastructure provision by State and Local Government; promote transparency and accountability in both spheres of Government; promote open and timely communication and consultation between State and Local Governments; enhance councils' accountability to their communities and their capacity for self-governance and continuous improvement; recognise the diversity of councils' financial capacity and the need to strengthen this financial capacity; and promote consistent and complementary strategic directions.

A Ministerial Round Table is the mechanism in the IGA which allows State and Local Government to come together, and address significant, complex and challenging issues as they arise.

What actions need to be undertaken?

The existing NSW IGA needs to be revisited. While it contains a number of important principles, it was developed and signed by the previous NSW Government and it does not reflect the current Government's strong commitment to working in partnership with the Local Government sector.

In the first instance, it is proposed that a working group be established with representatives from the DLG and LGSA to explore ways in which the NSW IGA can be strengthened. Issues to be considered as part of that review include:

- More clearly defining State and Local Government roles and responsibilities
- Establishing formal mechanisms to address changes in roles and responsibilities (i.e. cost shifting)
- More clearly defining and establishing formal consultation mechanisms, particularly for State/Regional/Local planning
- Establishing formal mechanisms to monitor progress in the sector, particularly *Destination 2036* Initiatives
- Conciliation process

Strategic Direction - Strong Relationships

Initiative 15

Linkage with other Initiatives

Initiative 13 (Functions)
Initiative 14 (Planning Frameworks)
Initiative 16 (Constitutional Recognition)
Initiative 8 (Revenue Framework)
Initiative 9 (Grant Funds)

Priority and timing

Work on the new IGA will proceed throughout the first half of 2012.

Who is responsible for this Initiative?

DLG will work with the LGSA on this Initiative.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
15 Establish a forum and a process to review the existing IGA	DLG & LGSA	Mid 2012	No

Strategic Direction - Strong Relationships

Initiative 16

Recognise Local Government as a legitimate and important sphere of government

Why is this important?

Local Government has been in existence in NSW since 1842. It is an integral sphere of government and plays a key role in delivering a range of services to the local community. It also has primary responsibility for local strategic and land use planning matters. Local Government is a State Government responsibility and it is recognised in the NSW Constitution. It operates under State legislation, primarily the *Local Government Act* and the Local Government (General) Regulation.

Although Local Government receives a significant share of its funding from the Commonwealth Government, it is not recognised in the Australian Constitution. The constitutional basis for such funding is, however, doubtful and the need for reform was clearly highlighted in 2010 by the decision of the High Court in *Pape v Federal Commissioner of Taxation*. In that case, the High Court set out the limitations of the Commonwealth Government's powers and indicated that the Commonwealth Government does not have the power to fund Local Government directly, thus potentially casting doubt on the validity of some of the funding programs.

What is the current situation?

The Commonwealth Government intends to put a referendum question to the Australian people on the recognition of Local Government in the Australian Constitution by 2013. It has appointed an Expert Panel on Constitutional Recognition for Local Government and the Panel released a Public Discussion Paper in September 2011. The Expert Panel is to report to the Commonwealth Government in December 2011.

The Local Government sector, through the Australian Local Government Association (ALGA) nationally and the LGSA in NSW, is seeking a change to the Australian Constitution which will allow the Commonwealth Government to fund Local Government directly. Direct funding of Local Government by the Commonwealth Government already occurs through programs such as Roads to Recovery, which benefit local communities and councils, their state jurisdictions and the nation as a whole.

What actions need to be undertaken?

Required actions will become clearer over the coming months, particularly once the Expert Panel has reported back to the Commonwealth Government and a preferred model has been determined. However, given that this issue has failed to pass a referendum on two previous occasions, the Local Government sector will need to undertake initiatives to garner broad community support for the proposal.

Linkage with other Initiatives

Initiative 9 (Grant Funding)

Priority and timing

Priority will increase up to referendum in 2013.

Who is responsible for this Initiative?

LGSA

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
16 Support and promote the recognition of Local Government in the Australian Constitution	LGSA	Ongoing to 2013	No

Appendix A: Summary of draft Destination 2036 Action Plan

Efficient and Effective Service Delivery

Initiative 1 - Facilitate greater resource sharing and cooperation between councils.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
1a Councils to work with their ROCs to identify the range of services and activities that ROCs can provide on their behalf	Councils/ROCs	Commenced, ongoing	No
1b Develop and release for consultation a proposed strategy to support ROCs and strengthen collaboration on a regional basis	DLG	By March 2012	Yes
1c Conduct a workshop to develop models and legislative options	DLG	Mid 2012	Yes
1d Examine and develop options for state-wide procurement and technology	LGSA/DLG	2012 - 2014	Yes

Efficient and Effective Service Delivery

Initiative 2 - Establish Local Government as an employer of choice.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
2a Develop a program for sharing specialist professional, technical and other staff between councils in rural areas, on a regional basis and between urban and rural councils	LGSA/LGMA (NSW)	2012 - 2013	No
2b Develop a program for partnering and mentoring between large/small and urban/rural councils	LGSA	2013	No
2c Explore opportunities for increasing flexible working arrangements to support a variety of models of local government	LGSA/LGMA (NSW)	2012 - 2013	No
2d Develop and implement strategies to increase the diversity and skill range of council staff	LGSA/LGMA (NSW)	Immediately and ongoing	No

Appendix A: Summary of draft Destination 2036 Action Plan

Efficient and Effective Service Delivery				
<i>Initiative 3 - Encourage and facilitate innovation.</i>				
Key Activities	Coordinating Agency	Timeframes	Linked Act review?	
3a Undertake research into innovation and better practice in Local Government in NSW, Australia and internationally	LGSA	2012 - 2013	No	
3b Ensure councils take advantage of the National Digital Economy Strategy and the National Broadband Network to improve capacity and service delivery	LGSA	2012 - 2014	No	
3c Develop a consistent performance measurement approach for councils	DLG	2012 - 2014	No	

Efficient and Effective Service Delivery				
<i>Initiative 4 - Enable a range of operating frameworks to be utilised to achieve efficient service delivery.</i>				
Key Activities	Coordinating Agency	Timeframes	Linked Act review?	
4a Identify barriers to establishing inter-council contractual arrangements sharing staff, including general managers and senior staff as well as commercialising services	LGSA/LGMA (NSW)	Oct 2012	Yes	
4b Develop alternative service delivery business models	LGMA (NSW)	Oct 2012	Yes	

Appendix A: Summary of draft Destination 2036 Action Plan

Quality Governance				
Initiative 5 - Incorporate into the proposed Local Government Act review the recommendations and findings from relevant Destination 2036 actions.				
Key Activities	Coordinating Agency	Timeframes	Linked Act review?	
5 The proposed Act review and the Destination 2036 Action Plan are linked	DLG	Throughout 2012	Yes	

Quality Governance				
Initiative 6 - Ensure the legislation provides flexibility and reduces red tape.				
Key Activities	Coordinating Agency	Timeframes	Linked Act review?	
6a The need for flexibility and reduced red tape to be recognised in the Act review	DLG	Commenced, ongoing	Yes	
6b Identify opportunities to reduce red tape while ensuring accountability and not compromising good governance	LGSA	June 2012	Yes	

Appendix A: Summary of draft Destination 2036 Action Plan

Quality Governance				
Initiative 7 - Ensure strong and effective local governance.				
Key Activities	Coordinating Agency	Timeframes	Linked Act review?	
7a Review and amend the Model Code of Conduct and relevant provisions of the Local Government Act to ensure the highest standards of behaviour	DLG	April 2012	No	
7b Examine the pros and cons of alternative governance models.	DLG	Oct 2012	Yes	
7c Develop strategies designed to increase the diversity and skill range of candidates and elected councillors	DLG/LGSA	Immediately and ongoing	No	
7d Develop and implement a Councillor Development Strategy including mentoring and orientation	DLG/LGSA	By Sept 2012	No	

Financial Sustainability				
Initiative 8 - Review the revenue system to ensure greater flexibility and self reliance.				
Key Activities	Coordinating Agency	Timeframes	Linked Act review?	
8a Review and update key elements of the Allan Inquiry, to determine the extent to which recent policy developments have improved or hindered financial sustainability	DLG	By Oct 2012	Yes	
8b Examine current rating provisions of the Local Government legislation to ensure the system is contemporary	DLG	By Oct 2012	Yes	
8c Identify new own-source revenue opportunities	DLG	By Oct 2012	Yes	

Appendix A: Summary of draft Destination 2036 Action Plan

Financial Sustainability

Initiative 9 - Develop strategies that maximise opportunities to secure funding from other levels of government.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
9a Representations to the Commonwealth Government to provide Local Government with a greater share of income and a "fairer" distribution of funds between councils through the Commonwealth's review of Financial Assistance Grants	LGSA	2012-2013	No
9b Representations to the Commonwealth Government to ensure permanency of the 'Roads to Recovery' program	LGSA	Immediate and ongoing	No
9c Actively apply for and secure project specific grant funding from other levels of Government	Councils and ROCs	Immediate and ongoing	No
9d Develop skills in rural and regional councils to better ensure that they secure grant funding from other levels of Government	LGMA (NSW)	2012	No

Financial Sustainability

Initiative 10 - Establish a range of funding models to enable the long term maintenance, replacement and creation of different classes of assets.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
10a State Government to invest in new local infrastructure in accordance with NSW 2021	To be developed through the Regional and Local Action Plan process	Already commenced. Plans to be finalised by July 2012	No
10b Establish and implement the Local Infrastructure Renewal Scheme	DLG	Already commenced. Annual program funded until 30 June 2015.	No
10c Provide support to councils to develop asset management plans and better understand asset management issues	LGRF Group	Already commenced, until July 2012	No
10d Representations to the Commonwealth Government to develop coordinated infrastructure strategies and funding	LGSA	Ongoing	No
10e Undertake a council-by-council audit of asset backlog	DLG	Already commenced. To be completed by March 2013	No

Appendix A: Summary of draft Destination 2036 Action Plan

Appropriate Structures				
<i>Initiative 11 - Develop a number of different structural models for local government.</i>				
Key Activities	Coordinating Agency	Timeframes	Linked Act review?	
11a Undertake research into alternative structural models of Local Government in Australia and other jurisdictions, identifying their key features and assessing their applicability to NSW	DLG	Feb 2012	Yes	
11b Develop, with volunteer councils, a variety of models for the structure of councils in NSW	DLG	Oct 2012 and beyond	Yes	

Appropriate Structures				
<i>Initiative 12 - Encourage and facilitate voluntary amalgamations and boundary alterations.</i>				
Key Activities	Coordinating Agency	Timeframes	Linked Act review?	
12 Identify barriers and incentives to encourage the voluntary amalgamation or boundary adjustment of councils	LGSA	Oct 2012 and beyond	Yes	

Appendix A: Summary of draft Destination 2036 Action Plan

Strong Relationships

Initiative 13 - More clearly define the functions, roles and responsibilities of Local and State Government.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
13a Desktop research all functions provided by Local Government to determine where core LG functions have been legislated/regulated	DLG	By early 2012	Yes
13b Identify those functions that are clearly state or Local Government responsibility and identify those that cannot be readily defined	DLG	By mid 2012	Possibly

Strong Relationships

Initiative 14 - Align State and Local Government planning frameworks.

Key Activities	Coordinating Agency	Timeframes	Linked Act review?
14a Contribute to the review of the EP&A Act	LGSA	2012	Possibly
14b Contribute to Regional and Local Action Plans that link to NSW 2021 and that address the key issues in each region and local area	Individual councils/ROCs	By July 2012	No
14c Improve access to state agency information and data to assist councils and ROCs with local and regional planning	DLG	Ongoing	No
14d Identify the range of regional and sub-regional boundaries used by federal, state and Local Government agencies	Southern Councils Group	End 2012	No

Appendix A: Summary of draft Destination 2036 Action Plan

Strong Relationships			
<i>Initiative 15 - Negotiate a new Inter-Governmental Agreement (IGA).</i>			
Key Activities	Coordinating Agency	Timeframes	Linked Act review?
15 Establish a forum and a process to review the existing IGA	DLG & LGSA	Mid 2012	No

Strong Relationships			
<i>Initiative 16 - Recognise Local Government as a legitimate and important sphere of government.</i>			
Key Activities	Coordinating Agency	Timeframes	Linked Act review?
16 Support and promote the recognition of Local Government in the Australian Constitution	LGSA	Ongoing to 2013	No

Appendix B: Suggested Actions from Destination 2036 Outcomes Report

– Linkage to draft Destination 2036 Action Plan Initiatives

Outcomes Report No.	Outcomes Report - Suggested Actions About Functions	Action Plan Initiative Reference
1a	Establish a task force to identify the roles and responsibilities of Federal, State and Local Government and formalise the shared understanding through a MOU or other similar agreement	13
1b	Review and clarify functions provided by Local Government, including identifying core or key functions as well as discretionary functions	13
1c	Ensure that the review of the Local Government Act defines core functions and enables discretionary functions	5, 13
1d	Develop a procedure to be implemented when functions are proposed to shift between levels of government	15
1e	Explore the potential for councils to be directly funded to provide some State and Federal Government services, particularly in regional, rural and remote areas	9
1f	Clarify and reach agreement on responsibility, and associated funding arrangements, for emergency and fire services	8
1g	Develop and fund a program to increase the number of aged care facilities in rural and remote areas	9
1h	Align and integrate strategic planning between State and Local Government, including improving the interrelationship between state, regional and local plans	14
1i	Align federal, state, regional and local planning for population growth	14
1j	Promote population, business and industry growth in regional, rural and remote areas	14
1k	Review the Environmental Planning and Assessment Act to increase flexibility and local autonomy	14
1l	Develop greater community awareness and ownership of the Metropolitan Strategy and other city-wide land use planning policies and strategies	14
1m	Align state, regional and local planning for transport	14
1n	Develop integrated regional plans for affordable and social housing in metropolitan and regional areas	14
1o	Develop and implement strategies for productive agricultural land, to provide food security and encourage the localisation of food production	14
1p	Align state, regional and local planning for coastal management to help provide greater clarity for	14

Appendix B: Suggested Actions from Destination 2036 Outcomes Report

– Linkage to draft Destination 2036 Action Plan Initiatives

Outcomes Report No.	Outcomes Report - Suggested Actions About Functions	Action Plan Initiative Reference
	service provision	
1q	Align state, regional and local planning for flooding to help provide greater clarity for service provision	14
1r	Align state, regional and local planning for disaster management to help provide greater clarity for service provision	14
1s	Align state, regional and local planning for economic development to help provide greater clarity for service provision	14
1t	Identify and remove barriers to stronger and more effective resource sharing and shared service provision, with enabling legislation incorporated into the review of the Local Government Act	1, 5
1u	Develop a more formalised program for councils to use volunteers and retirees to help provide services	4
1v	Develop and run a campaign to promote Local Government and to inform the community about its roles, responsibilities and functions	2

Outcomes Report No.	Outcomes Report - Suggested Actions About Structure	Action Plan Initiative No.
2a	Develop, refine and enable a variety of models of Local Government in NSW, potentially including: ☑ a model with greater and more formalised regional service delivery and resource sharing ☑ a model for small to medium councils with shared administrations but independent elected bodies ☑ a two tier model, with roles and responsibilities separated between local and regional councils ☑ a model for larger councils with a corporate board structure and/or corporatized service delivery	1, 5, 7, 8, 11, 13
2b	Undertake and support pilot programs with volunteer councils to test new models of Local Government	11, 12
2c	Undertake engagement with stakeholders on the proposed models of Local Government	11, 12
2d	Identify and implement incentives to encourage the voluntary amalgamation of councils and remove roadblocks to amalgamation in the Local Government Act and other relevant mechanisms	12
2e	Undertake a wide ranging review of the Local Government Act, based on the principle that the Act be more enabling than prescriptive and incorporate a variety of models of Local Government	5, 6
2f	Review the Local Government Award to ensure that it enables flexible staffing arrangements to support a variety of models of Local Government	4

Appendix B: Suggested Actions from Destination 2036 Outcomes Report

– Linkage to draft Destination 2036 Action Plan Initiatives

Outcomes Report No.	Outcomes Report - Suggested Actions About Structure	Action Plan Initiative No.
2g	Incorporate enabling legislative arrangements for Regional Organisations of Councils into the Local Government Act, including the ability to incorporate	1, 5
2h	Review ways in which the regulatory responsibilities of councils can responsibly be reduced and incorporate the outcomes into the review of the Local Government Act and any associated legislation	6
2i	Work to align the regional and sub regional boundaries used by State and Local Government, including by State Government agencies and Regional Organisations of Councils	1
2j	Review the process and relevant legislation for Local Government boundary changes, including establishing an independent, high level panel to determine Local Government boundaries in NSW	12

Outcomes Report No.	Outcomes Report - Suggested Actions About Governance	Action Plan Initiative No.
3a	Review the Inter Governmental Agreement and use it as a basis to continue to improve the working relationship between State and Local Government	15
3b	Develop a process for State Government Departments to meet regularly with Regional Organisations of Councils to discuss local issues	1, 15
3c	Develop and formalise processes for State and Local Government, including State Government agencies and Regional Organisations of Councils, to work together on integrating strategic planning at a state, regional and local level	1, 14
3d	Investigate terms for Mayors and Councillors, including the possibility of a minimum Mayoral term	7
3e	Investigate the option for half term elections	7
3f	Review national and international governance models in which Councillors assume responsibilities for specific portfolios or policy areas and incorporate the outcomes into the development of models of Local Government for NSW	7
3g	Require referendums as part of Local Government elections to allow communities to determine whether to have popularly elected Mayors	7
3h	Review remuneration for Mayors and Councillors	7
3i	Explore ways to introduce postal and electronic voting in Local Government elections and enable through the Local Government Act, Electoral Act or other relevant legislation	7
3j	Pursue the recognition of Local Government in the Australian Constitution	16

Appendix B: Suggested Actions from Destination 2036 Outcomes Report

Linkage to draft Destination 2036 Action Plan Initiatives

Outcomes Report No.	Outcomes Report - Suggested Actions About Governance	Action Plan Initiative No.
3k	Consider including provisions in the Council Charter to clarify that Councillors are required to consider the interests of the entire Local Government area, rather than an individual ward	5, 7
3l	Reconsider the provisions in the Local Government Act relating to the establishment of wards and, in particular, the proportion of variation allowed between the number of electors in each ward	5, 7
3m	Consider incorporating provisions in the Local Government Act to limit the legal liability of councils	5
3n	Amend the Local Government Act to provide broader options rather than the dismissal of an entire council eg dismissal of individual Councillors	5, 7
3o	Ensure the Local Government Act talks to other Acts	6
3p	Review the Code of Conduct	7
3q	Implement programs to encourage a diversity of elected representatives on councils	7
3r	Review requirements and arrangements for Councillor training, including considering the potential for Councillors to undertake training from the Australian Institute of Directors or similar professional body	7
3s	Develop a joint understanding of the role of the Division of Local Government, including consideration of a more facilitative and less regulatory role	13
3t	Develop and promote new processes and structures for community engagement, including the use of social media and exploring options for virtual councils	3
3u	Develop a 'My Council' website to enable comparison between councils	3

Appendix B: Suggested Actions from Destination 2036 Outcomes Report

– Linkage to draft Destination 2036 Action Plan Initiatives

Outcomes Report No.	Outcomes Report - Suggested Actions About Finance	Action Plan Initiative No.
4a	Review, and develop processes for implementing, specific options to increase the financial sustainability of councils, including: * removing, phasing out or further revising rate pegging * deregulating fees and charges * establishing more flexible rating categories * moving to rate valuations based on the improved value of land * reviewing pensioner rate rebates * removing or reducing rate exemption categories * allowing councils to invest in businesses * considering the application of Public Private Partnerships to council service provision * investigating the South Australian Local Government banking model * examining other options to improve financial sustainability	8
4b	Amend the Local Government Act to make it easier for councils to establish corporate entities	5, 8
4c	Pursue a reasonable and fixed allocation of Federal Government tax revenue for Local Government	9
4d	Lobby to increase the total amount provided to councils in Federal Assistance Grants	9
4e	Review the formula used for assessing disadvantage as part of Federal Assistance Grants	9
4f	Lobby the Federal Government to ensure the ongoing continuation of the 'Roads to Recovery' program	9
4g	Lobby COAG to provide a coordinating mechanism for Federal, State and Local Government infrastructure strategies and associated funding processes	9, 10
4h	Explore, and develop processes for implementing, alternate methods for funding council infrastructure, including: * establishing an infrastructure fund * establishing infrastructure bonds * investigating the ability for councils to borrow funds against assets * providing low or no interest loans for infrastructure	8, 10
4i	Review the way in which infrastructure maintenance and renewal is budgeted and reported	10
4j	Establish a 'Royalties for Regions' program, particularly for areas affected by mining	8
4k	Consider the implications of the Henry Tax Review and identify opportunities for Local Government	8, 10
4l	Simplify State Government grant funding processes to Local Government	9

Appendix B: Suggested Actions from Destination 2036 Outcomes Report

– Linkage to draft Destination 2036 Action Plan Initiatives

Outcomes Report No.	Outcomes Report - Suggested Actions About Finance	Action Plan Initiative No.
4m	Identify the characteristics of a sustainable council compared to an unsustainable council	8
4n	Review Section 94 arrangements in the Environmental Planning and Assessment Act, including the ability for funding to be used more flexibly	14

Outcomes Report No.	Outcomes Report - Suggested Actions About Finance	Action Plan Initiative No.
5a	Facilitate contractual arrangements for councils to provide services to each other	4
5b	Enable Regional Organisations of Councils or similar regional bodies to share a common workforce	1, 4
5c	Identify and remove barriers to sharing administrative and back of house staff, including GMs and senior staff	4
5d	Develop a formalised program for sharing specialist professional, technical and other staff between councils in rural areas, on a regional basis and between urban and rural councils	2
5e	Explore opportunities for increasing workforce flexibility, including ☑ working from home and telecommuting ☑ attracting new and younger staff ☑ retaining experienced and older staff ☑ facilitating portability of staff between Local and State Government	2
5f	Develop a formalised program for partnering and mentoring between large/small and urban/rural councils	2
5g	Undertake and communicate research into innovation and best practice in Local Government in NSW, Australia and internationally	3
5h	Develop a toolkit of ways that councils can take advantage of the National Broadband Network to improve capacity and service delivery	3
5i	Investigate the potential for councils to operate from a shared information technology platform	1
5j	Prepare case studies and best practice models of the use of new technologies to improve council capacity and service delivery	3
5k	Improve sharing of, access to and monitoring of data between State and Local Government	14



